Clerk of the Superior Court
*** Electronically Filed ***
C. Brown, Deputy
9/20/2023 2:40:33 PM
Filing ID 16625903

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SUPERIOR COURT OF THE STATE OF ARIZONA

IN AND FOR THE COUNTY OF MARICOPA

SHAWN TYLER FREEMAN, **Petitioner,** **vs.** **ERIN GERLACH,** **Respondent**	**Case No.: FC2022-094055** **EMERGENCY MOTION TO VACATE TEMPORARY ORDERS**

Respondent / Mother is requesting this Court Vacate the Temporary Orders issued February 14, 2023.

Ariz. R. Fam. L.P. 85(C)(1)(f) allows this Court to provide relief from Judgment for "any other reason justifying relief" if the moving party can show "extraordinary circumstances of hardship or injustice." There are extraordinary, exceptional and unique circumstances of hardship and injustice in this case which warrant Mother relief from the Judgment.

This Court also has the authority to set aside a judgment for fraud on the Court under Ariz. R. Civ. P. 60(d)(3).

Furthermore, the Temporary Orders should be vacated because the Judgment is void. The Court failed to hold a proper UCCJEA conference to establish Jurisdiction under A.R.S. 25-1001 to 1067. The Due Process Clause of the Constitution requires an Arizona Judge

to hold an evidentiary hearing before ruling on Jurisdiction. "The Court may allow the parties to participate in the communication. If the parties are not able to participate in the communication, they must be given the opportunity to present facts and legal argument before a decision on jurisdiction is made." A.R.S. 25-1010(B).

The Court failed to provide parties with proper notice of the UCCJEA Conference. The parties were only provided with a few hours of notice, which is insufficient time for preparation.

Moreover, the limited record for the UCCJEA Conference is not sufficient for effective appellate review. The Court only addressed the Child's home state, which constitutes merely part of the required findings, and is insufficient for appellate review.

Not only did the Court err in failing to make express findings on the record, but it also erred in failing to conduct an evidentiary hearing on the statutory factors.

Because the Court did not allow the parties to present evidence pertaining to the statutory factors, the Court could not have based its decision on a proper review of those factors.

Mother was ignored when she brought this matter to the Court's attention, including prior to and at the beginning of the Temporary Orders hearing. The UCCJEA Conference that was held in this case was not only inconsistent with Arizona Law, but a gross violation of all parties' due process rights. The right to procedural due process is implicated where a constitutionally protected liberty or property interest is concerned. *Bd. of Regents of St. Colleges v. Roth*, 408 U.S. 564, 570, 92 S.Ct. 2701, 2705 (1972). The crux of procedural due process is the right to notice and an opportunity to be heard at a meaningful time and in a meaningful manner. *Fuentes v. Shevin*, 407 U.S. 67, 80, 92 S.Ct. 1983, 1994 (1972).

Extraordinary, Exceptional and Unique Circumstances Justifying Relief

- **There are issues regarding a Child's Safety, well-being and a Child's Best Interests, which are of primary importance to this Court.**
- **There is a long history of Father committing Significant Domestic Violence and Child Abuse against Mother and Child.**
- **Fathers' intentional misrepresentations of "facts", deceitful tactics, fabricated stories and fraudulent evidence presented to this Court, led to the Temporary Orders being issued.**
- **Due to Fathers Fraud upon the Court, the Temporary Orders in this case were not issued in accordance with Arizona Laws, Arizona Rules of Family Law Procedure or the Arizona Constitution.**
- **Father has been granted sole legal decision-making authority of the Child who is a Victim of Fathers abuse, which places the Child in serious danger with imminent risk of harm.**
- **Father willfully and purposefully engaged in deceptive conduct to gain an advantage in a Child Custody case.**
- **Father intentionally misled and defrauded this Court by committing excessive perjury, while purposefully lying by omission. Father fabricated elaborate lies, was dishonest in testimony and submitted fraudulent evidence to three different Courts.**
- **Father knowingly accused Mother of making false claims regarding Fathers Domestic Violence and Child abuse with knowledge that Mothers claims were actually true.**

- **Mother and Child victims of Fathers abuse are not lawfully protected due to the Temporary Order placing the Child into the hands of their abuser.**
- **This Court is ignoring overwhelming evidence of Significant Domestic Violence and abuse which is not consistent with the Child's best interests, the Arizona Rules of Family Law Procedure, Arizona Law, The Arizona Constitution or the United States Constitution.**
- **Father, identifying himself as a Police Officer, lied to and deceived multiple Courts while under oath, in a private Civil matter. Father has also lied to Law Enforcement regarding this case. Father himself has made the circumstances of this case the Interests of Public Justice.**
- **Father has continued to commit acts of abuse against Mother and Child including but not limited to stalking, harassment, intimidation, threatening, interstate Domestic Violence, and dissuasion of a Victim, Witness or Party to a Case. Father committed additional acts of abuse prior to AND after the issuance of Temporary Orders, while the parties are actively litigating this case.**
- **This Court is willfully Depriving Mother and Child of Rights and Privileges protected by the Constitution and Laws of the United States.**
- **Mother cannot fairly or adequately litigate this case due to Fathers dishonest Unjustifiable conduct.**

A Party commits fraud upon the Court by concealing material facts and suppressing the truth with the intention of misleading the Court. Father has committed fraud upon the Court. Father has been exceptionally dishonest with this Court in his filings, declarations and testimony with the intent to deceive the Court. An act of fraud upon the court "harms the integrity of the judicial process and is a wrong against the institutions set up to protect and safeguard the public." (Ragone V. Correia, 236 Ariz. 43, 48 (Ct. App. 2014)

This is not a case involving oversight, excusable mistakes or lapses in memory. This is a case where Father willfully and repeatedly committed perjury. Father was willing and cognizant of fabricating and telling his deceitful lies.

The outcome of this case has been considerably impacted by Father's intentionally dishonest statements Father continues presenting to this Court.

Fathers' habitual material misrepresentations of facts are part of a scheme Father devised to paint an inaccurate picture of himself with this Court, while unfairly and inappropriately damaging Mother's credibility and reputation.

FATHER'S DECEITFUL CONDUCT HAS CAUSED THIS COURT TO IGNORE SUBSTANTIAL EVIDENCE OF SIGNIFICANT DOMESTIC VIOLENCE AND CHILD ABUSE.

Father has blamed his victims for their own abuse and distracted the Court from significant safety concerns for Mother and Child. Because of Fathers dishonesty in this Court, the California Courts and multiple Law Enforcement agencies, Mother and Child have been deprived of protection from Fathers continued abuse.

Father has admitted to committing Domestic Violence in his filings with this Court. The Court itself acknowledged there was Domestic Violence in this case when the Court allowed the

parties to bypass the requirement of mediation due to this case involving Domestic Violence. **Yet, Domestic Violence or Abuse is not mentioned anywhere in the Temporary Orders.** This Court has ignored evidence of Significant Domestic Violence submitted to the Court and failed to make a finding of Domestic Violence on the record.

There are significant laws in the State of Arizona that protect victims of Domestic Violence and Child Abuse. "[i]f the Court determines that a parent..has committed *an act* of domestic violence against the other parent, there is a rebuttable presumption that an award of sole or joint legal decision-making to the parent who committed an act of domestic violence is contrary to the child's best interests. A.R.S. 25-403.03(D) Furthermore, Courts are directed to consider the safety and well-being of the child and the victim of domestic violence of *primary importance*. A.R.S. 25-403.03(B) (emphases added); *see also Hays vs Gama*, 205 Ariz 99, 102, Paragraph 19 (2003). In addition, where there is domestic violence, there is a rebuttable presumption against the perpetrator that parenting time will endanger the child and/or significantly impair the child's emotional development. A.R.S. 25-403.03(F). Moreover, "[i]n determining whether an absence or relocation of a parent shall be weighed against that parent in determining legal decision-making or parenting time, the Court may consider whether the absence or relocation was caused by an act of Domestic Violence by the other parent." A.R.S. 25-403.03(I) **Due to Fathers significant misrepresentations in his filings and testimony, none of these statutes were considered when this Court issued the Temporary Orders.** The Court failed to make any findings on the record regarding the Significant Domestic Violence Mother presented to the Court. Since the Temporary Orders hearing Mother and Mother's former Counsel have provided the Court with substantial evidence of Significant Domestic Violence which the Court has disregarded.

FATHERS DECEITFUL TACTICS IN THIS CASE CAUSED THIS COURT TO SIGNIFICANTLY VIOLATE MOTHER AND CHILD'S CONSTITUTIONAL RIGHTS TO EQUAL PROTECTION FROM THEIR ABUSER.

Additionally, Fathers dishonesty and overly exaggerated claims in his filings have led to multiple incidents where this Court violated Mother's right to due process. Father has initiated several ex-parte actions against Mother, in multiple Courts. Father purposefully fabricates exaggerated emergencies in his filings so that he can convince the Court to take the action he desires, without affording Mother the appropriate due process. Father knowingly makes embellished and false claims in his EXPEDITED and EMERGENCY motions that Father knows to be untrue or impossible. Father manipulates the Court with his one-sided, dishonest statements to give his Petitions and Motions a sense of urgency with the Court so that the Court will give Father what he wants without affording Mother an opportunity to defend herself.

One of the examples of Fathers exaggerated Emergencies is when Father told this Court multiple times that Mother was going to flee the Country with the Child. That is a serious, false accusation to make against Mother. Father's claim was not genuine and held no weight. Fathers' false accusation was intended to create the appearance of an Emergency with the Court, understandably impacting the Court's ruling. Mother and the Child do not have passports. Mother does not have the financial resources to leave the Country, nor does she have any ties outside of the Country. Mother has never even hinted at a desire to travel outside of the Country with the Child. Father knew those facts at the time he submitted those exaggerated statements to this Court. Father is the only party to this case with a passport. If Father was genuinely concerned that Mother was going to leave the Country, Father could have requested all parties

relinquish their passports to the Court. Instead of resolving issues in a reasonable manner, Father goes to the extreme. Fathers' unnecessary, extreme actions have caused irreparable damage. That is only one example of many ridiculous exaggerations Father has made to the Court.

Father's initial filings with this Court are packed with dishonest statements which significantly impacted this case. Fathers requested an EXPEDITED hearing right off the bat because of urgencies that were not true. Father fabricated claims and evidence while significantly exaggerating the parties' situation so that this case could unfairly cut in front of all the other cases waiting to be heard.

Understandably, Fathers inappropriate actions have put Mother in an unreasonably burdensome position while she is trying to present and defend her case. It's difficult enough being self-represented, opposing an experienced Family Law Attorney. Father purposefully makes it exponentially more challenging for Mother to represent herself in this case. After Father obtains a Court Order from an "Emergency" or Ex-Parte Petition that was not filed in good faith, Mother cannot do anything to resolve the outcome.

Due to Father's significant misrepresentations, contradictory statements and inconsistencies between Courts and Law Enforcement, Mother has been unable to adequately defend herself or present her case. Mother cannot gather evidence or properly prepare for litigation because she can't keep up with Fathers perpetually changing stories and contradictory statements.

Mother believes she could adequately, effectively represent herself if Father was playing by the rules or at least being honest with the Court. Father's unethical conduct makes it tremendously complicated for Mother to defend herself against Father's false allegations. Mother

is doing everything in her power to keep herself and their Child safe from the continued abuse that this Court is enabling Father to commit.

Fathers' preposterous behavior has placed an unnecessary burden on Mother, who is unsuccessfully trying to represent herself in this case. Mother isn't representing herself because she wants to or thinks she is capable. Mother doesn't even understand the majority of what is happening in this case. Mother is representing herself because financially it's in the best interests of the Child. Mother believes taking food out of the Child's mouth to pay for a lawyer to litigate this case would be irresponsible and inconsistent with the Child's best interests. If Father was being honest and following the rules, neither party would need an attorney. Father has intentionally made this case difficult for Mother to litigate on her own. Between three Courts and Law Enforcement actions, Father has never told a consistent story. How can Mother adequately prepare for Court, when Fathers claims, and ever-changing stories continue evolving over time?

Father hasn't made any attempts since July of 2022 to help Mother financially support the parties' Child, which is consistent with Fathers conduct during the parties' relationship. Mother has not only provided everything for the Child since July of 2022, but Mother has also suffered the added expenses of being forced to move and implementing security measures when Father's illegal behavior placed Mother, the Child, and Mothers family's safety in jeopardy. Father didn't make a single attempt to help Mother with the Child for the 7 months leading up to the Temporary Orders being issued. During those months Father was spending his money on vacations in Colorado, Hawaii, Mexico and California on multiple occasions. Father may have also travelled to other places while refusing to help financially support the parties' Child. When Mother left Arizona, Father had well over $200,000 in the bank from the sale of the

parties home. Mother left everything behind in Arizona for Father to keep even though Mother purchased everything in the parties home. There is a clear financial disparity between the parties that Father is using to his advantage in this case.

Father has purposefully created an incomplete record with this Court. Father intentionally omitted records including parts of minute orders, pleadings and declarations Father filed in the parties DVRO cases in California. After a thorough review of the Court's record, Mother found that Father only provided partial documents to the Arizona Court from the parties' cases in California. Father only disclosed documents to the Arizona Court that were favorable to him. **Father intentionally excluded his own filings and Declarations from the parties' cases in California from the Maricopa County, AZ Court record. Father does not want the Arizona Court to see the evidence depicting Father's contradictory versions of events he told other Courts and Law Enforcement.**

Father mentions Police Reports throughout his filings and declarations to enhance or attempt to legitimize the stories he tells. Father intentionally fails to attach copies of the actual reports. Upon obtaining several of these Police reports, Mother could see why Father doesn't attach the Police Reports to his filings. Father tells Law Enforcement different stories than he tells this Court. Father is concealing the actual reports because Father doesn't want his inconsistent statements to be discovered.

There is another unique element Father introduced into this case. Father using his title as a Law Enforcement Officer for varying reasons in a private Civil proceeding, makes this case one that carries public interests of Justice.

Father is consistently identifying himself as a Police Officer in this Domestic Relations case. Aside from Father's financial affidavit, Fathers profession as a Law Enforcement Officer should be irrelevant to this case. Yet, Mother can barely locate a filing, declaration or testimony where Father does not identify as a Police Officer or cite his Law Enforcement training. In this Court, Father has even cited his Law Enforcement training as an excuse for Father committing years of Significant Domestic Violence.

Father inappropriately identifies himself as a Police Officer instead of a Father in Court because it gives him an enhanced perception of credibility.

Father inappropriately wore his Mesa Police SWAT uniform to Court, in front of The Honorable Judge Jackson. Father did this intentionally because Father knew The Honorable Judge Jackson's husband is also in Law Enforcement. Fathers' calculated actions create a perceived view of bias, if not an actual bias.

As an Officer of the Court, Father should especially be held accountable for knowingly committing fraud upon this Court. Father has lied in this private civil action beginning with Father's filings that initiated this case. Does Father also lie while testifying in criminal cases? That itself is a unique circumstance to this case that should allow the Court to proceed with this matter in the public interests of Justice.

A person identifying themselves to this Court, under oath, as a Police Officer shall not commit a single act of perjury. This motion will provide evidence of several instances

of perjury, intentional misrepresentations, deceitful tactics and fraud upon the Court committed by Father. Mother should be granted relief from this Judgment in the interest of Justice.

Father concealing his contradictory declarations between Courts and Law Enforcement showcases his intent to commit fraud upon this Court. Not only did Father intentionally file false statements with the Maricopa County Superior Court, but Father also filed significant misrepresentations in the Riverside County, CA Court, the Los Angeles County, CA Court, and multiple Law Enforcement agencies including his own employer the Mesa Police Department.

Lying during a proceeding where Legal Decision-making and Parenting time is determined should cause the untruthful party to lose Legal decision-making authority and Parenting time of the Child. If this Court can't trust Father to be truthful, why would the Court risk the safety of the Child with that parent? Father falsified testimony, declarations and filings with the sole purpose of influencing the legal decision-making and parenting time outcome. Father has not exercised good decision making in the best interests of the Child.

Additionally, this unconscionable case of excessive perjury and fraud upon the Court should be referred to the Maricopa County District Attorney for prosecution of perjury charges. Father should be held accountable for his continued abuse of Mother and Child. Father committing perjury in this case has caused irreparable damage while further victimizing Mother and Child.

The following Statement of Facts only describes a small handful of Fathers intentional misrepresentations, deceitful tactics and boldly fabricated lies Father presented to multiple Courts and Law Enforcement regarding this case. There are innumerable documented instances in addition to the few instances presented in this Motion.

STATEMENT OF FACTS

On February 17, 2023, Father filed an EMERGENCY Petition to Enforce the Child Custody Determination in Maricopa County, AZ. In his Petition, Father requested this Court issue a Warrant to take Physical Custody of the Child (with permission to enter private property), to hold Mother in Contempt, to order Mother to pay attorney's fees, to order Mother to pay Fathers travel expenses, and more.

In this Motion, Father claims that he travelled to California from Arizona on February 14th and attempted to retrieve the Child on February 14th,15th, and 16th with assistance from Fathers Dad. **See Exhibit 1.**

Father signed the Petition requesting this Court Enforce the Child Custody Determination and hold Mother in Contempt with sanctions, etc. on an EMERGENCY basis less than 2 days after this Court issued the Temporary Orders. In Fathers Petition, he admits that Mother had not been served with the Temporary Orders and Mother had no knowledge of Temporary Orders being issued at that time. Father requested this Court Enforce the Order and find Mother in Contempt on an ex-parte basis anyway. Father's attorney knows the first requirement for the Court to hold a party in Contempt is that the party must have knowledge of and been served with the original order. It's unclear why Father's attorney would think it's appropriate to aggressively request a Court hold a party in Contempt, while simultaneously admitting to knowing the contemptuous party was not served with the original order. In Fathers Motion, Father's attorney boldly divulged her convoluted plan to surprise Mother with the Temporary Order. There is no Rule or Law that gives Father's attorney the authority to intentionally violate Mothers rights to due process. It is the Courts responsibility to serve Mother with the Orders it makes. It is not

opposing Counsel's responsibility to serve Mother with the Court's Orders. This only happened because Father's attorney aggressively takes advantage of Mother being self-represented. Father's attorney would have never behaved in that manner if Mother had an attorney representing her. Whether Self Represented or Attorney represented, every party to a Child Custody case has the same Constitutional Rights that should not be violated.

Father Petitioned this Court requesting the Court take the most intrusive action possible, under false pretenses. Father did not request a Court date for Mother to address these accusations. Father filed his Petition Ex-Parte because most of his statements in his Petition were dramatically exaggerated and untrue. Father's deceptive statements in his request convinced this Court of a non-existent emergency which violated Mothers due process rights again. Among other laws, rules and procedures Father failed to follow when filing this Motion, Father also omitted the status of the proceedings relating to Domestic Violence and Protective orders the parties were actively involved in on the date of Fathers filing. Father should have informed the Court of those proceedings per A.R.S. 25-1058 (3).

Additionally, the Temporary Order specifically states that Mother returns the Child to Arizona. The Temporary Order does not instruct Father or anyone else to retrieve the Child. Father doesn't follow the Temporary Order himself. Father interprets the Court's Order however he sees fit and then tells the Court that Mother is disobeying HIS interpretation of the Orders, not the actual Courts orders. At the time Father filed his Petition for Emergency Enforcement of the Child Custody Determination, Father made claims stating Mother was violating certain parts of the Temporary Order that weren't even in the Court Order. Father himself was disobeying the Order when he filed his Petition to Enforce. The Court cannot hold Mother in Contempt for not following FATHER's Orders. That is why Father filed his Petition on an Ex-Parte basis. Father

never requested a Court date to hold Mother in Contempt. Father did not want Mother to have an opportunity to show the Court that Fathers Petition was not only inconsistent with the laws, rules and procedures of the Court but also heavily filled with lies. Father did not file his Motion to Enforce or for Contempt in good faith.

On May 8, 2023, Father filed a response to Mothers DVRO Petition in Los Angeles, CA. Father submitted a signed Declaration under the penalty of Perjury. Father states that on **February 15, 2023**, Father called the Murrieta Police Department on the telephone to inform them of the Temporary Orders issued in this case. Father claims the Murrieta Police **called** Father back over the telephone. **See Exhibit 2.**

Father does not say anything about travelling to California and does not mention any contact with the Murrieta Police Department on the 14th or 16th of February as he claimed in his Emergency Petition filed in the Maricopa County Case**.** There is a drastic difference between Fathers claims in Exhibit 1 and Exhibit 2.

Father requested the Arizona Court issue Orders requiring Mother to pay Fathers travel costs; therefore, Father didn't simply forget if he travelled to California for 3 days or not.

Which Court is Father lying under oath to? These are two different stories Father is telling two different Courts about the same exact event in declarations Father signed under oath.

On February 10, 2023, Father filed a Response to Mother's Request for a DVRO in Riverside County, CA. In Fathers response, he requests the Court order joint / shared custody of the Child between Father and Mother. **See Exhibit 3.**

FATHERS REQUEST FOR THE PARTIES TO SHARE JOINT CUSTODY OF THE CHILD IN RIVERSIDE COUNTY, CA WAS MADE BY FATHER LESS THAN 6 DAYS PRIOR TO FATHER FILING AN EMERGENCY PETITION TO ENFORCE IN THE MARICOPA COUNTY, AZ COURT CLAIMING THERE WAS AN EMERGENCY WORTHY OF VIOLATING MOTHERS RIGHTS TO DUE PROCESS BY NOT ALLOWING HER TO PARTICIPATE OR HAVE KNOWLEDGE OF THE PROCEEDING.

FATHER REQUESTED A WARRANT TO TAKE PHYSICAL CUSTODY OF THE CHILD LESS THAN 6 DAYS AFTER TELLING THE COURT IN RIVERSIDE COUNTY, CA HE WANTED SHARED / JOINT CUSTODY WITH MOTHER AND MOTHER AND CHILD COULD REMAIN IN CALIFORNIA.

THIS REQUEST OF FATHERS WAS FILED AFTER THE PARTIES HAD THEIR TEMPORARY ORDERS EVIDENTIARY HEARING IN MARICOPA COUNTY, AZ WHERE FATHER LIED UNDER OATH FOR IN HIS FILINGS AND TESTIMONY ABOUT MOTHER SUPPOSEDLY BEING AN UNFIT PARENT.

Father would not have requested the parties share joint custody of the Child, if Father believed the Child to be in danger with Mother. At this time, Father also agreed to Mother and Child staying in California.

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Unfortunately, Father's behavior didn't escalate over time to the point of fabricating false statements and submitting fraudulent evidence to this Court. The intentional, deceitful misrepresentations in Fathers filings began with Father's initial Petition he filed in this case.

On August 31, 2022, Father obtained an Order of Protection against Mother in Maricopa County, AZ. Father put Mother's Home address as her parents address in Murrieta, CA. **See Exhibit 4.**

Father also filed a false Police Report with the Gilbert Police Department and provided Gilbert PD with the same address where Mother was living with the Child in Murrieta, CA.

On September 7, 2022, Father filed a Petition in Maricopa County Superior Court to Establish Paternity, legal decision making, Parenting Time, and Child Support. In the Petition Father claims Mother's address is "unknown," even though Father knew where Mother and the Child were. Father makes multiple statements insinuating he doesn't know where Mother was with the Child.

Conveniently, Father omits the fact he witnessed Mother's parents travel to Arizona, helping Mother and Child move to California. Father argued with Mother during that time because Mother sent the Child to stay in a hotel with her Maternal Grandmother in Gilbert, Arizona while Mother packed the Child's belongings in front of Father. Mother didn't want the Child to witness or be a victim to more of Father's angry outbursts.

Additionally, Father is in possession of text messages from August of 2022 between the parties where Mother and Father discuss Father disposing of the property Mother left behind in

Arizona. (The month prior to Father filing the Paternity case in this Court) Mother had purchased nearly everything in the parties shared home. Mother had to leave their belongings behind when Father unexpectedly kicked Mother and the Child out again.

Father had been to Maternal Grandparents home in Murrieta, CA multiple times.

Conveniently, Father had the correct address for Mother and Child 7 days prior when he filed a false Police Report with the Gilbert Police Department and obtained an Order of Protection against Mother in the Maricopa County Superior Court. Fathers' deceitful claim of Mother and Child's location "unknown" was Father's first calculated statement intended to deceive this Court.

On Page 3, Paragraph 18, Father claims he used his Law Enforcement training to "deescalate" heated arguments between the parties. **See Exhibit 5**.

Why would Father need to physically assist Mother during an "argument?" It is never appropriate for a verbal disagreement to be made physical by Father, regardless of his training. **Father was not acting in an official capacity as a Police Officer in his home with his family. Regardless of Fathers profession, Father physically assaulting Mother is never acceptable. Especially because Father always assaulted Mother in front of or along with the Parties minor Child.**

Furthermore, the Pinal County Sheriff's Department has narrated several videos which describe Mother and Child locked in the bathroom during some of those heated "arguments." How can Mother be instigating a high conflict argument while locked in the bathroom away from Father?

In several of the videos narrated by the Pinal County Sheriff's Department, Father can be heard demolishing the home, screaming at Mother and Child, etc. Although Father and Child's names are redacted, you can tell by the length of the redaction and the context which party each redaction is referring to. **See Exhibit 6**

This Police Report was not available when the parties had their Temporary Orders hearing, Mother could not present it as evidence. Nevertheless, this Court can see that father's excuses regarding the Significant Domestic Violence in his initial filings were untrue.

It's difficult to believe that Mother and Child locked in the bathroom while Father was screaming at Mother to **kill herself** and Father screaming **"fuck you for ever giving birth to her"** speaking of their Child, in front of the Child, is a technique of de-escalation that any Law Enforcement agency teaches or condones.

Additionally, photos of injuries including black eyes and significant bruising to arms, ribs and back do not happen during "de-escalation" techniques. **See Exhibit 7.**

There are dozens of additional photos of injuries.

There was never a video of Father trying to de-escalate the situation by "physically assisting" Mother so that he could leave the residence as Father claims.

In Fact, there are videos demonstrating the opposite, where Father is following Mother and Child out the front door intimidating them as they are trying to escape Father's abuse. You can see Mother struggling to open the front door while holding the baby, frantically screaming for help while Father continues advancing towards them. Mother is heard telling Father to get away from them while she is screaming for help. Father violently pulled Mother to the ground while Mother was holding the child. The child fell and hit her head on the hard tile floor as a result of Fathers violent act. Father had no regard for the Child's safety as he assaulted Mother,

while Mother was holding the Child. Similar events happened many times, always involving or in front of the parties' Child.

There are also videos of Father throwing food at Mother and Child. Father admitted on video that Mother was "annoying him," that's why Father threw a hot plate of food at Mother and baby. This happened because Mother was trying to discuss the Child's sickness with Father, but Father didn't care. Father was not home often enough to know the Child was sick. Father refused to help with the sick Child. Instead, Father threw a hot plate of food including a hot sausage sandwich on a bun with condiments on Mother and Child.

There are photos of Mother and Baby covered in food with red marks on the Child from the hot food hitting the Child and a scratch on her face from the incident. **See Exhibit 8**

Mother documented the incident and then cleaned up the Child and Father's mess.

In this same filing with the Maricopa County Court, Father speaks of his imaginary concern for Mothers medical issues. Father didn't care about Mothers medical condition when the parties' lived together. Father still left the Child with Mother alone, all day, every day while Mother had the same medical condition. Father can't now reasonably claim that Mother is incapable of taking care of the Child, using Mothers health condition as a reason. Father had no issue with Mother caring for the parties' Child all day, every day since birth. Father cannot retroactively complain about it now pretending Mothers medical condition affects her ability to be a fit and proper parent. Furthermore, Fathers omits the fact that Father's abuse was the biggest hinderance in Mothers medical care when the parties were together.

There is a video where Mother is understandably upset telling Father how the marks and bruises Father is leaving on her body are causing complications with Mother's medical treatment

for her condition because Mother's medical providers were concerned about her injuries. Father proceeds to make fun of Mother on camera as Mother is very upset about her medical treatment being hindered because of the injuries Father is leaving on her body. Instead of Father apologizing or ceasing his abuse, Father laughs at Mother and makes inappropriate gestures while childishly rolling his eyes at Mother.

Mother was understandably upset about her medical care being affected because of the injuries to her body, caused by Father. Father's reaction demonstrates that Father does not care or feel any remorse or guilt for the excessive abuse he put Mother and Child through.

There are multiple other videos where Mother is talking to Father about the abuse and injuries, she suffered from Fathers violent behavior. Father cannot pretend he didn't know Mother was being abused when Mother brought the abuse, violence, anger management, and substance abuse issues up to Father's attention on multiple occasions throughout the parties' relationship. Father cannot reasonably tell this Court that he wasn't abusing Mother and Child when Mother brought it to Father's attention many times over the years while the parties were living together. Father manipulated this Court into believing that Mothers accusations of Domestic Violence and Abuse were only made because of this Domestic Relations case. That is not accurate or true. In fact, Mother's accusations against Father are not new; Mother has been vocal throughout the parties' relationship about the abuse and Domestic Violence. Mother and Father even discussed Fathers mental health counseling he was participating in, and Father's childhood treatment Father received for his anger management issues.

Father would often go into violent fits of rage, waking up the following morning pretending like nothing happened. Father also had violent nightmares where he abused Mother in his sleep. This resulted in Mother sleeping out of her own bed most nights.

Mother was unsure if Father was truly blacking out like Father claimed or if he was lying because he didn't want to take accountability for the abuse he was inflicting upon his own family. Mother began telling Father about the injuries, showing Father videos of his angry outbursts, etc.

There are also videos of Mother pleading with Father to please stop yelling at her while Mother is caring for their child in the middle of the night.

That is not a case of Mother instigating high conflict arguments as Father claimed in another manipulative misrepresentation of facts that Father told this Court. This is a case of victim blaming where Father irresponsibly refuses to take accountability for years of abusing Mother and Child. Father didn't care that he was frightening, violent or abusive in front of and towards the parties' Child since birth.

Fathers' attorney Caitlin Andrade has been provided with copies of these videos. Many of these videos were provided to her prior to the Temporary Orders hearing. Yet, Father still testifies to his belief that he was using his Police training to "de-escalate" arguments as his defense to committing Significant Domestic Violence hundreds of times. Father is continuing to testify in support of his delusions, which are contrary to overwhelming evidence of Domestic Violence and abuse, is terrifying.

Father blaming Mother or anyone else for his violent, abusive behavior is not a trait of a fit and proper parent. It's proof that Father should not be around any Child until Father receives a significant amount of serious mental health intervention.

Fathers' refusal to take any accountability for his anger issues and abusive behaviors are a demonstration of Fathers capability and willingness to not only physically abuse the Child, but

also psychologically and emotionally abuse the Child and then blame the Child for her own abuse.

Due to Father misleading this Court, Mothers worse fears of herself and the Child not being protected from further abuse have come true. That fear is one of the reasons that kept Mother and the Child stuck in an unhealthy, abusive situation with Father for so long.

Father would tell Mother constantly that nobody was going to believe Mother if she attempted to report Domestic Violence or abuse because of Father's profession as a Police Officer. Father was correct because nobody will protect Mother and Child due to Fathers position as a Police Officer.

FATHERS LYING STATEMENTS TO THIS COURT HAVE OBSTRUCTED MOTHER AND CHILD FROM GETTING LAWFUL PROTECTION AGAINST THEIR ABUSER.

The Post Separation abuse from Father has been a nightmare for Mother, the Child and Mother's family. Mother and her family live in crippling fear of Father every day. Father has committed many acts of intimidation, threatening, etc. since Mother and Child moved to California. Father has hacked into electronic devices, email accounts and other personal accounts. Father has had private investigators and other associates stalk Mother since Fall of 2022. Father has even driven by Mother's parent's home threatening to burn the house down while Mother and the Child were inside. Father especially escalates his terrifying behavior right before the parties have any type of Court proceeding. Father does this to intimidate Mother, achieving his goal of keeping Mother afraid of Father while maintaining control over Mother. Furthermore, how does Father and this Court not see that Father's behavior is also affecting the Child and NOT in the Child's Best Interests?

Father cannot rationally blame his violent actions on Mother by claiming that she instigated her own abuse. **Blaming a victim of Domestic Violence for their own abuse is considered another act of Domestic Violence.** Under no circumstances should a grown adult parent participate in behavior such as throwing a plate of hot food at a Child and her Mother. Father was proud enough of his abusive actions towards Mother and Child that he admitted it on camera, while aggressively in Mother and Child's face.

Father's victim blaming mentality and refusal to accept responsibility for his own violent behavior, anger management issues and substance abuse, should cause this Court to have significant concerns for Father's mental health as well as the safety and wellbeing for any Child in Father's care.

Mother wouldn't leave the Child alone with Father when the parties were together because Father was not a safe or fit parent. On the few occasions Mother left the Child alone with Father, Mother came home to Father feeding the Child beer **See Exhibit 9** and allowing the Child to play with ammunition while loaded, unsecured firearms were in the Child's reach. **See Exhibit 10**

Father put the Child in his work vehicle, which was filled with loaded weapons, knives, taser, guns, OC spray, etc. all within the Child's reach while Father was driving. This vehicle was a common minivan with the middle row of seats removed. The Child sat in the rear seats, far out of Fathers reach with an assortment of dangerous weapons on the floor within the Child's reach. Father placed the child in this vehicle without a child safety seat when the Child was barely 4 years old. This was not for an emergency; it was to take the Child to the trampoline park. It's another demonstration of Fathers irresponsible lack of regard for anyone's safety. As a Police Officer, Father cannot claim ignorance when he knowingly endangered the Child during

these incidents. Not only was this incident dangerous for the Child but it was also dangerous for the general public. God forbid the Child had picked up one of the weapons while Father was driving, or Father was in an accident while the small child was in the vehicle without a safety seat.

On September 7, 2022, (the same day as Fathers initial filing with this Court) Father told a Gilbert Police Detective that Mother and Child **MOVED** to California. Father also told the Gilbert Detectives that Mother and Child MOVED Prior to Father filing his Case in Maricopa County, AZ. **See Exhibit 11**.

Father told this Court that Mother left with the parties' Child under false pretenses and that Father didn't know Mothers intention was to move with the Child to California. Father also told this Court that he wanted the Child returned to Arizona.

If Father genuinely believed that Mother took the Child to California and Father wanted the Child returned to Arizona, Father would have told the Police Detective on that day.

Father literally told the Police that Mother and Child MOVED to California on the same day that Father wrote in a Petition to this Court that Father wanted the Child returned to Arizona because Father did not know Mothers intent was to move to California. Father tells whatever story benefits him at the time.

Additionally, Father would not have provided the Gilbert Police Department and the Maricopa County Superior Court (when Father filed his order of Protection on August, 31) with Mothers HOME address in Murrieta, CA, if Father believed that Mother was returning to Arizona.

Father's claims about Mother and Child moving to California change dependent upon what story will support Fathers objective at the time or who Father is speaking to. In this

instance, Father couldn't even keep the same story, on the same day. Father told the Gilbert Police Mother and Child MOVED and then told this Court a different story to gain an advantage in this case.

On Page 5, paragraph 27, Father makes claims about Mother exposing his domestic abuse on social media. **See Exhibit 12**.

Gilbert Police Department closed their investigation as No Prosecution, NO PC for arrest. The Detective called Father and told Father this, which Father has intentionally omitted from his testimony with this Court. **See Exhibit 13**.

Father also claims to this Gilbert Police Detective that Father was attempting to have Mother served with his Order of Protection by the Riverside County Sheriff's Department. **See Exhibit 14**

The Riverside County Sheriff's Department has no record of Father attempting to serve Mother other than in February of 2023. Mother could not obtain a record from the Riverside County Sheriff's Department of Fathers claims of attempted service because those records do not exist, it never happened.

Father did not attempt to serve Mother with the Order of Protection through the Riverside County Sheriff's Department until **February of 2023.** (Father obtained the Order of Protection in August of 2022) Mother accepted service from the Riverside County Sheriff's Department on the first attempt, at the address where Father knew Mother and Child lived.

Moreover, Father claimed to this Gilbert Police Detective that Father sent the Riverside County Deputies to serve Mother at Mothers parents' home in Murrieta, CA. Although Father was lying to the detective about the attempted service, Father certainly knew the correct address where Mother and Child were. In Fathers Filing with the Arizona Court **on the same**

day, Father continues with his insinuations of not knowing where Mother is. Father tells the Court that Mothers location is "unknown" and provides the Court with Mothers last known address in Gilbert Arizona. Father gave Mothers proper HOME address in Murrieta, CA to the Gilbert Police Department and the Maricopa County Superior Court for his Restraining Order but then told the Maricopa County Family Court in his filings that Mothers location was "unknown," and Mothers last known address was in Gilbert, AZ. Father made these conflicting statements on the same day. Father knew where Mother and the Child were, when it was convenient for him, or when it fit his ever-changing narrative.

Father lying about actively attempting to serve Mother with his Restraining Order to the Gilbert Police Detective demonstrates Fathers willingness to lie to Law Enforcement regarding Mother and Child. This is terrifying for Mother because Father has threatened Mother with having her falsely arrested for years if Mother left. Unfortunately, because Father is in Law Enforcement, other Law Enforcement agencies give Father Professional Courtesy and believe what Father says to be true, when clearly, they shouldn't. Father has abused his title and position as a Police Officer throughout this case.

On page 6, Paragraph 29, Father makes multiple claims that Mother broke personal property. **See Exhibit 15**.

The overwhelming amount of evidence proves it was Father who destroyed the personal property of Mother and Child. Pinal County Police Reports show that Father was the one destroying personal property on multiple occasions. **See Exhibit 16**.

Father not only destroyed Mothers personal belongings but also their Childs. There is a video and photos that show baby clothing, baby bottles, baby toys, diapers, etc. along with Mother's property on the filthy garage floor and in the garbage can. **See Exhibit 17.**

During one of the occasions when Father destroyed personal property, Father screams at Mother and Child on video to **"get the fuck out"** in a fit of rage. Father then tells Mother that She and the Child never lived there, that they just "rested their heads" in Father's home. This happened more than once, always in front of the parties' Child. Father would abuse Mother and Child by unexpectedly kicking them out when he was drunk or angry. Father would then expect to control where Mother and Child were allowed to go after they were unexpectedly kicked out. This was one of the ways Father maintained control over Mother.

On page 6, Paragraph 29 (G) Father claims that Mother strangled him while the parties were visiting Mothers family in California. **See Exhibit 18.** That did not happen.

The Riverside County Sheriff Report states there were no marks on Father's neck. **See Exhibit 19**.

Mother recently provided actual videos of the incident to the Riverside County Sheriff Department so that a supplemental report can be written. Mother didn't previously provide the videos.

Mother's videos of this incident show her standing at a minimum of 8 feet away from Father. Mother and her family were trying to convince Father to let the Child leave the room to remove the Child from a volatile situation. Mother's parents kindly asked Father to leave their home multiple times after Father assaulted Mother in front of Mother's family and the

parties' Child. Father refused to leave on his own. Mother's parents eventually had to call 911 to have Father removed. There is a transcript from the 911 call. **See Exhibit 20**

Father held the Child hostage in a bedroom until Police arrived to take Father out of the home. Father attempted to take the Child with him, Police determined it was better for the Child to stay with Mother in California. The Riverside County Sheriff Deputy drove Father to a café where Father took an uber to the airport, returning to Arizona.

Father tells a different story of the incident under oath in his declaration to the Court in Riverside County California. Father claims that he asked Mothers parents to call 911 on Mother and that mother attacked him. Father claims that deputies observed marks on his neck **See Exhibit 21.**

However, the Police report clearly states that Deputies observed **no marks on Fathers neck.** Multiple witnesses heard Father yell for Mother to stop choking him while Father was in the bedroom, and they could visibly see Mother standing in the open hallway, nowhere near Father. Father had the Child alone in the bedroom while he was yelling these accusations about Mother. Father was not aware that Mothers entire family was also standing in the hallway and could see where Mother was standing. Fathers' behavior caused everyone in the home to be exponentially more concerned for Fathers mental health issue he was experiencing at the time.

Mothers' family nicely attempted to intervene with intent to remove the Child from the loud chaos in the bedroom where Father was so the Child could eat breakfast with her cousins like a normal Child. Father held the Child hostage for a considerable amount of time, without regard to the fact that Father was placing the Child in a hostile environment, unsuitable for a baby. Even after Mothers family reminded Father that the Child should not be in that environment, Father said he didn't care and would do whatever he wanted because he was the

Child's Father. Father made this inappropriate scene not only in front of the parties' Child but in front of other children in Mother's family. Fathers' behavior during this incident was not in the Best Interests of the Child.

Father claimed that the Police found marks on his neck. The police report clearly states that Father had no marks on his neck. This is another example of Father misrepresenting and lying about Police interaction between the parties. Father will use the Police as a tool in his filings to make his accusations appear legitimate. However, the Police Reports never match what Father claims in his Court filings or testimony. Father also uses the Police to falsely accuse Mother of things she did not do, to further abuse and continue controlling Mother.

On Page 6, Paragraph 29 (B)(H) Father claims Mother had suicidal ideations. **See Exhibit 22**.

In a Police Report from Pinal County Arizona, Father is screaming at Mother to kill herself while Mother and the Child are locked in the bathroom away from Father. **See Exhibit 23.**

Father cannot pretend to be concerned with Mother's mental health when Father is heard on video screaming at Mother to go kill herself, in front of the parties' child.

Father would drink heavily and encourage Mother to kill herself. Father would tell Mother she was a shitty person, a bad Mother, worthless, useless, a crazy cunt, a stupid bitch, a piece of shit human who didn't deserve to live and she should kill herself. This happened often, always in front of the parties Child. Father making the claims that Mother was having suicidal ideations is beyond disgusting when it was Father trying to convince Mother to commit suicide for years.

If Father was concerned that Mother was suicidal from 2018-2022 like he claims in his filings with this Court, why would Father allow Mother to be ALONE with the Child all day, every day since the Child was born? Furthermore, why would Father have allowed Mother to travel ALONE with the Child for weeks and months at a time to California throughout the parties' relationship? Fathers claims of Mother being suicidal are untrue. But if this Court believes Fathers grossly inaccurate accusations of Mother being suicidal, the Court must consider, what kind of Parent leaves their Child home alone for days and weeks at a time with a woman who is supposedly suicidal? How does Father expect anyone to believe a Trained Law Enforcement Officer such as Father would leave their Child with someone who is suicidal for 5 years? Father would be significantly endangering the Child if his own claims were true.

Father would frequently leave the Child alone with Mother to go on vacations with his friends, bachelor parties, hunting and camping in areas with no cell signal, travelling for work, working 20+ hour days, going to the gym, drinking at the bar, work trips, volunteering at work, misc. social functions, etc. What fit and proper parent would go do those activities and leave their Child alone with a woman he claims is suicidal? Father's own claims don't make any sense.

Moreover, why would Father be screaming at Mother to kill herself in front of the Child, if Father genuinely believed Mother was having suicidal ideations? Was Fathers intention to make Mother commit suicide? That should raise significant concerns with this Court for both Mother and Child's safety around Father. Is Father going to encourage or tell the Child to kill herself too? Father had no issue telling Mother in front of the Child. How does a small Child even know who Father is yelling at? Father's actions are not behavior consistent with a fit and proper parent.

FATHER SCREAMING AT MOTHER TO KILL HERSELF IN FRONT OF THE CHILD AND THEN COMING BEFORE THIS COURT CLAIMING MOTHER HAD SUICIDCAL IDEATIONS FOR 5 YEARS TO GAIN AN UNFAIR ADVANTAGE IN A DOMESTIC RELATIONS CASE IS NOT CONSISTENT WITH THE CHILDS BEST INTERESTS.

Conveniently, Father had no concerns for Mothers mental health, until it came time for Father to write out the Petitions, Motions and Declarations Father filed in this case. Father screaming at Mother in front of the Child calling Mother a "Crazy Bitch" and a "Crazy Cunt" continuously over the years was the only concern Father demonstrated regarding Mothers mental health prior to the parties separating. Father would scream those names at Mother in front of the Child.

When Mother had concerns about Fathers ability to care for the Child and the Child's safety with Father, Mother stopped leaving the Child unattended with Father. If Father had genuine concerns for Mother being around the Child, Father would not have left the Child unattended with Mother every single day since the Child was born.

On page 7, paragraphs 30, 31, Father admits to Domestic Violence. Father claims Mother should not have legal decision-making authority for the Child, due to Mother allowing the Child to witness Domestic Violence. Father says, "Mother has exposed the minor child to repeated incidents of domestic violence." Father then says that those actions "places the parties'

minor child in serious and potentially imminent risk of becoming a victim of domestic violence." **See Exhibit 24**.

THE PARTIES' MINOR CHILD WAS ALREADY A VICTIM OF DOMESTIC VIOLENCE AT THE HANDS OF FATHER.

It was only Father, Mother and Child who lived in the parties' home. Father's claim that Mother allowed the Child to be a witness to Domestic Violence is Father's admission of guilt to this Court that Father was the perpetrator of Domestic Violence. But Father also tells this Court that Mother's accusations of Father committing Domestic Violence are untrue. Father cannot make both of those claims because both cannot physically be true. Father cannot say that Mother should not have legal decision-making authority for allowing the Child to witness Domestic Violence and then say that Mother is lying about Father committing Domestic Violence and there was no Domestic Violence. Father contradicts his own claims constantly which makes it impossible for Mother to respond to Fathers motions.

DOMESTIC VIOLENCE IS NOT MENTIONED IN THE TEMPORARY ORDERS IN THIS CASE

In Fathers response to Mothers request for a Domestic Violence Restraining Order in Los Angeles California, Father states there was no Domestic Violence. Father claims Mothers request for a DVRO is retaliation. **See Exhibit 25**

How was Father admitting there was Domestic Violence in the Arizona Court but claiming there was no Domestic Violence in the Los Angeles, CA Court?

This is another instance where Father tells whatever story works for Father at the moment dependent upon his motive and target audience. Father has no regard for the fact his statements contradict each other.

Father told the Court in Arizona that Mother allowed the Child to witness Domestic Violence, therefore Father admitted to committing Domestic Violence. Father openly blamed Mother for her own abuse and claimed he was deescalating situations which is how Mother had dozens of documented injuries from Fathers abuse. Father changed his story again. Father denies any existence of Domestic Violence at all in the Los Angeles California Court.

Father's contradictory statements were made under oath. Father intentionally committed another act of perjury, in multiple Courts, about the same topic.

Furthermore, Father's claim that Mother allowed the Child to witness Domestic Violence affirms that Mother did not participate in Unjustifiable Conduct by leaving the State of Arizona with the Child, while escaping Domestic Violence. There are substantial laws in the State of Arizona to protect victims of Domestic Violence. This Court should not punish Mother for moving with the Child to another state with the presence of significant Domestic Violence and Child Abuse. In determining whether the absence or relocation of a parent shall be weighed against that parent in determining legal decision-making or parenting time, the court may consider whether the absence or relocation was caused by an act of domestic violence by the other parent. A.R.S. 25-403.03(I).

<u>On Page 8,</u> Father claims that Maternal Grandparents are the caretakers for the child. **See Exhibit 26.**

In other filings and testimony Father presented in this Court, Father claims to have no knowledge of where the Child is.

In one of Fathers declarations, he filed in the parties LA County DVRO case, Father claims he hasn't known where the Child has been since August of 2022. Father even tells a different story of how and why Mother and the Child left Arizona.

Father cannot claim in one breath that the Maternal Grandparents are taking care of the Child and then say in another breath that Father isn't sure where Mother and the Child are.

Father makes different claims dependent upon what story will serve him in the moment. Father even contradicts his own statements within a singular filing with this Court. If Father claimed that Maternal Grandparents were the ones caring for the Child, then Father would have known where the Child was. This was another significant misrepresentation of "facts" Father deceptively presented to this Court.

Furthermore, Father intentionally omitted relevant facts about the Child's relationship with Maternal Grandparents. Maternal Grandparents and Mother cared for the Child since birth because Father was never around to do so, Father had other priorities. Father's priorities were his career, gym, substance abuse, and social obligations. Mother cared for the Child every day since the Child was born. The Child was Mothers priority regardless of what Mothers other obligations were. If Mother had a medical procedure, medical imaging or an appointment where Mother absolutely could not take the Child with her, Maternal Grandmother would either travel 6-8 hours to Arizona, helping Mother with the Child or Mother would travel to California alone with the Child for Maternal Grandparents to help with the Child. Father witnessed all of this.

Father refused to utilize his paid sick time, vacation time or FMLA time to help Mother when she needed it. Father didn't think twice about taking time off from work for hunting trips, travelling with his friends, vacations, etc. Father avoided all responsibilities of taking care of the Child unless there was an audience around.

Father also failed to disclose to the Court that Maternal Grandparents physically and financially provided for the parties' Child significantly since the Child was born. Up until August of 2022, the Child had spent over 1/3 of her life in California with Mother and Maternal Grandparents, that is far more time than the Child spent with her father. The Childs bond was so strong with Maternal Grandparents that on the two occasions when Father and Mother had weddings to attend where Children were not permitted, Mother drove the Child 6-8 hours to Maternal Grandparents so they Could babysit the Child. Father never expressed complaints regarding Maternal Grandparents helping care for and provide for the Child during the YEARS Father and Mother were together. Therefore, Father cannot claim that he had an issue with it after the fact. Father knowingly allowed the Child to develop a significant relationship with Maternal Grandparents. Father did not object to that relationship between Maternal Grandparents and the Child until Father filed this case.

On September 13, 2022, Father filed a Motion for Temporary Orders. Father again pretends he doesn't know where Mother and Child are residing, and states Mother's address is "unknown." If Father genuinely believed his unfounded accusation that Maternal Grandparents were taking care of the Child, Father would know where Mother and the Child were. Again, Father can't claim Maternal Grandparents are caring for the Child in one breath and in another breath claim he has no idea where Mother and Child are. Father needs to pick one story or the other.

On page 4 Paragraph, 14, Father claims he purchased school uniforms for the Child but has conveniently excluded receipts. **See Exhibit 27.**

Father didn't provide receipts because Father has NEVER purchased clothing for the Child. Mother and Maternal Grandparents purchased ALL clothing for the Child since birth except for the occasional gift from friends or extended family. Mother has included a few of her many receipts for the clothing and shoes she purchased for the Child during that time. **See Exhibit 28.**

Within the same loaded Paragraph in Exhibit 27, Father claims that on a whim, Mother erratically withdrew the Child from preschool in Arizona and took the Child to California. Father's own statements within this filing contradict each other.

Father claimed he allowed Mother to go to California for medical treatment with the Child in August of 2022. Father claims in the same filing that Mother erratically withdrew the Child from preschool, that the Child was supposed to begin in August of 2022.

If Mother was leaving Arizona with the Child in August of 2022, the Child wouldn't be attending preschool in Arizona the same week. Father did not check his math before he submitted these false contradictory claims to the Court. Father's intentionally deceitful claims are not only dishonest but physically impossible. How can Father legitimately claim the Child should've been with Mother to get medical treatment in California at the same exact time Father claims the Child should have been in preschool in Arizona? It is physically impossible for the Child to be in two places at once.

Father also claims Mother was refunded tuition from the school and accused Mother of keeping that tuition which was apparently owed to Father. Father hasn't provided any records of enrollment, record of withdrawal or refund receipts because the story is untrue! Mother cannot provide records to debunk Father's story because no such records exist.

If Mother received a refund of tuition, there would be a receipt. If the Child was enrolled in that school, there would be official records. Where are the records?

This is a particularly serious accusation Father inappropriately made against Mother. Father embellished and fabricated another storyline about Mother to make Mother look unstable. Father used this story to inappropriately and unfairly damage Mothers credibility and appearance as a parent with this Court. This is a very serious accusation for one parent to make against another. That fact that Fathers claims are not true and are not an accurate representation of facts is very concerning. Realistically, Fathers claim the Child should have been in two places at once should be enough to prove Father is lying. Father's stories simply do not add up.

Father constantly tells this Court that Mother is wholly unable to co-parent with Father. How could Mother reasonably be expected to co-parent with a man who not only violently abused Mother and Child for years, but he is continuing to fabricate false claims against Mother, using this Court to continue abusing her? In one small paragraph, Father caused extraordinary damage when he accused Mother of erratically removing the Child from school, keeping tuition that was due to be refunded to Father, and unnecessarily lying about who purchased the Child's clothing. These dishonest accusations are not small, they are extremely damaging to Mother. Father knowingly presented false claims to this Court about Mother that Father knew were untrue. The false accusations Father made against Mother are so serious that this Court would have the authority to issue an ex-parte order if Fathers accusations were true. The worst part is there are dozens of little paragraphs in Fathers filings that are untrue. Fathers' dishonest accusations are significant enough that Father unfairly damages Mothers credibility and reputation as a parent.

Additionally, Father inappropriately used this exaggerated story in his Petition with this Court to make the parties' situation appear urgent, so Father could request an expedited hearing. Father has habitually circumvented rules and procedures of the Court by embellishing and fabricating emergencies. This is another example of how Father's lies are used to misrepresent the parties' situation to the Court while successfully damaging Mother's credibility and reputation.

On October 13, 2022, Father filed a Motion for Alternate Service. Father listed Mothers address as her parents address in Murrieta, CA where Father knew Mother and Child were living. **See Exhibit 29**.

In subsequent filings Father reverted to his story, claiming he didn't know where Mother and the Child were living. Father continued saying Mother's address is "unknown" while making statements insinuating, he didn't know the location of Mother and the Child.

This is another example of Father intentionally misleading the Court. Why did Father put Mothers correct address in the Motion requesting alternate service, on Fathers request for a Restraining Order in Maricopa County Court and to the Gilbert Police Department (in August of 2022) but claim Mothers address was "unknown" on his previous and subsequent filings in this Court?

Father intentionally misled the Court into believing that Mother is unstable and concealing the Child, when Father proved in his own Motion Requesting Alternate Service that Father in fact knew where Mother and the Child were.

Furthermore, Father knew exactly where Mother and Child were living until Fathers own conduct caused Mother and Child to move. Father's threatening, intimidating, stalking, violent

and abusive behavior escalated again, causing Mother and Child to move for their safety. Father has proven that he certainly knew where Mother and Child were when it was convenient for him.

Father intentionally continued pretending he didn't know where Mother and the Child were living so that Father could unfairly accuse Mother of Participating in Unjustifiable Conduct. **Father knew exactly where Mother and Child were when it was convenient for him**. Father lied to this Court, telling a completely different story about his "knowledge" of Mother and Childs location so that Father could unfairly and illegally obtain an outcome favorable to him in this case. This was another serious accusation Father made against Mother that Father knew to be untrue when Father presented his accusation to this Court. Father was intentionally dishonest again to deceive the Court into making a ruling that the Court wouldn't have ordered otherwise if the Court had been told the truth.

On December 13, 2022, Father filed a Pretrial Statement. Father claims again, Mothers address is "unknown" when Father in fact knew where Mother and the Child were living.

Father's attorneys in California were sending correspondence to Mother at her parents address in Murrieta, CA. Fathers attorney Mrs. Andrade was sending correspondence to the same address. Father had sent the Murrieta Police Department to perform welfare checks on Mother and Child. Mother's address was clearly listed on the Temporary Restraining Orders that Mother was sending to Fathers attorney Caitlin Andrade while Father was evading service. Father along with his family were driving by the home and knew Mother and the Child lived there.

Father proceeds to make statements such as "Father believes Mother remains in California with the minor today" trying to insinuate Father is unaware of the Child's whereabouts. Mother was in Riverside County participating in Court proceedings with Father.

Father cannot deny knowledge of these facts because Father sent attorneys on his behalf to the hearings.

Father intentionally uses a lot of deceptive wording in his filings to manipulate and mislead the Court.

Due to Father continuing his abusive behaviors, Mother requested a Domestic Violence Restraining Order against Father in Riverside County, CA where Mother and the Child were residing at the time. The Restraining Order application only allows a party requesting protection to attach a limited number of declarations of incidents supporting the Request for a Restraining Order. When Father filed a Response to Mothers request for a DVRO, Father lied about ALL of Mothers declarations of incidents she attached to support her Restraining Order application.

For the sake of time and resources, attached are only a few of Mothers declarations that were included to support Mother's request for a Domestic Violence Restraining Order in Riverside County, CA. There are more incidents that Father also lied about. **See Exhibit 30**

On February 10, 2023, Father filed his Response to Mothers request for a Domestic Violence Restraining Order in Riverside County, California.

In Fathers declaration, Father makes numerous false statements under oath and subsequently omitted those records from the Maricopa County Court. Father willfully committing perjury in another Court regarding Mother and Child in this case and then purposefully omitting those records from the Maricopa County, AZ Court demonstrates Fathers willful intention to deceive multiple Courts.

Here are a few of Father's flat out lies submitted under oath as a response to some of Mother's declarations she submitted in Support of her DVRO application in Riverside County, California.

1.) Father claims that on **July 14, 2019**, he did not remove belongings of Mother and Child and throw them on to the filthy garage floor and into the garbage while heavily intoxicated. Father doesn't attempt to make excuses for his conduct or blame Mother for his behavior like he did in the Maricopa County, AZ Case. Instead, Father confidently claims this incident never happened. **See Exhibit 31.**

Mother has provided a Police Report describing some of the videos of the incident with photos of Mother and Child's property on the filthy garage floor. **See Exhibit 32.**

There is a video Mother took of the damage showing Mother and Child's property on the filthy garage floor and in the garbage. In one of the videos taken during this incident, Mother and were Child locked in the bathroom while Mother pleads with Father to "stop breaking things, this is not okay" while you can hear Father screaming obscenities and breaking property in the background.

Father cannot deny the incident happened when there is overwhelming evidence the incident did occur. Father lied to the Court under Oath claiming this incident never happened. Father told the Court that Mother was lying by making up the incident which was very unfairly and inappropriately damaging to Mothers credibility.

It's even more concerning that Father would "forget" an incident like this occurred when Mother and Child will remember the incident forever. Mother believes that if Father were to respond to this motion that Father would attempt to

claim he forgot the incident happened, or Father would pretend his lying to the Court was unintentional. However, Mother sent photos and videos pertaining to the incident to Fathers attorney Caitlin Andrade in 2022, Fathers attorney certainly knew the incident happened. It's unclear how Father can consciously continue claiming the incident simply "didn't happen" when in fact it did happen. Similar incidents like this happened many times over the years. This was not the only incident of this nature.

2.) Father claims that on **December 9th, 2019**, Mother, Father and Child were in Arizona getting ready for Christmas. Father gives detailed accounts including dates of where Father, Mother and the Child were during this time. Father claims the incident of Domestic Violence Mother described DID NOT HAPPEN. Father significantly attempted to discredit Mothers account of what happened to damage Mothers credibility. Father was also attempting to create an alibi for himself. **See Exhibit 33**. Father told the same lie to a detective in Los Angeles County, California. Father was using the "I wasn't in the state so I couldn't have done it" defense when Mother reported Father for Domestic Violence. Mother provided the flight record to the Detective in Los Angeles County, CA, proving Father was in California on the date of the incident. Mother picked Father up from the airport when Father flew into California from Arizona. **See Exhibit 34**.

Additionally, there are photos and a video of Father assaulting Mother while she was holding their Child on this date.

There is also a Police Report documenting the incident from the Los Angeles County Sheriff's Department. **See Exhibit 35**.

There is also a Charge Evaluation Worksheet issued by the Los Angeles County District Attorney regarding the Domestic Battery that took place on this day. The 1-year statute of limitations had passed before Mother reported the incident. That was the only reason Father was not charged with Domestic Battery. **See Exhibit 36**. Throughout the photos and videos taken on this day, Father is wearing a hoodie sweatshirt with Jeans, Mother is wearing a sweatshirt with pants, and the Child is in Christmas pajamas. Father went to great lengths attempting to dismiss Mothers account of abuse by telling the Court an entirely different story. Father claimed that he and the Child visited his Father WITHOUT MOTHER, and this visit took place in July of 2019. Father would not be wearing a hooded sweatshirt in Lancaster CA in July; the Child would not be in Christmas pajamas. Father also claimed Mother wasn't there. How was Mother present in photo evidence, video evidence and a Police Report for Domestic Battery if Mother was not there?

Even worse, Father accused Mother of making up the entire incident. Father called Mother a liar. Father insisted that the Domestic Battery never happened. There is overwhelming evidence proving that the incident did happen. Father was in California on that date and Mother was present. Father did commit Domestic Battery when Father screamed in Mother and Child's face and shoved Mother and the Child while Mother was holding the Child. The only reason Father wasn't charged with this incident of Domestic Battery was because the 1-year statute of limitations expired.

Father lied under oath, in attempt to discredit Mothers serious accusations of Domestic Violence and Child Abuse. Unless Father wants to also say that photos, videos,

LA County Sheriff's Department and the LA County District Attorney are lying too, the overwhelming amount of evidence proves Father is the one being dishonest.

Again, this is another example of Fathers perjury and extensive fraud upon the Court. Father lied to a Detective and multiple Courts regarding this incident of Domestic Violence. This is not a mistake or a lapse in Father's memory. Father deliberately lied to a Court in a declaration signed under oath to discredit Mothers credible accusations of Domestic Violence and Child Abuse.

Father also lied about those incidents to the Court in Maricopa County, AZ. Mother testified to these incidents of Domestic Violence and Child Abuse at the parties' Temporary Orders hearing. Mothers' testimony was ignored because of Fathers misconduct. Now the Court can see it was Father who was dishonest, not Mother.

In the same DVRO Response, Father requests the parties share Joint Custody of the Child. How does Father come before the Court in Arizona claiming Mother is an unfit parent and requires Supervised Visitation with the Child, while going in front of the Court in California requesting parties' share Joint Custody of the Child with no supervision or restrictions imposed on Mother? Father magically didn't have any complaints about Mothers parenting or other fabricated allegations like Father made in the Maricopa County, AZ Court.

Father has significantly misled the Court in Maricopa County, AZ to believe Mother is such a danger to the Child that Father convinced the Court to issue Temporary Orders denying Mother proper Parenting time. What's more concerning is nobody is considering how that would affect the Child. Father and the Court are so determined and focused on inappropriately "punishing" Mother, they are not considering the safety, health or well-being of the Child. This

case isn't about Mother and Father, it is about the Best Interests of the Child. It is not in the best interests of the Child to be removed from the only parent the Child has ever known since birth and placed in the care and custody of the parent who abused her and her Mother in front of her. Along with the Child being placed in a dangerous, violent environment with her Father, the Child would also develop extreme psychological and emotional issues which is not in the Child's Best Interests.

Father manipulated this Court into further victimizing the Child by placing her in the Custody of their abuser. Why would Father request joint, shared custody of the Child in California if Mother wasn't a fit parent?

In the Riverside County Court, Father didn't have similar Concerns about Mother, like the highly exaggerated and fabricated claims Father presented in the Arizona Court.

It's nearly impossible to follow along with Father's made-up stories, false accusations and baseless assumptions in this case because Fathers contradictory inconsistencies are never ending.

Father has made several mismatched statements in three different Courts about WHY Mother requested DVRO's against Father. It's inappropriate for Father to assume what Mother is thinking. Father does appreciate or respect that Mother has her own mind and voice back; Father no longer speaks on behalf of Mother or tells Mother what she's permitted to think or say or do like Father did while the parties were together. Additionally, nobody asked Fathers opinion on WHY Mother was requesting a DVRO against Father. Frankly, Father's assumptions and personal opinions of "why" or assumptions of what Mother is thinking are irrelevant. Nevertheless, Father expressed his opinions in lieu of Facts in his declarations anyway. Father did this purposefully to distract the Court and deflect the Court's attention away from the topics

of Domestic Violence and Abuse. Distraction and deflection are common tactics used when a parties' intent is to avoid talking about a topic, such as Domestic Violence or Child Abuse on the record. Deflection, Distraction and Avoidance are a few of the many tactics Father has used to deceive three Courts regarding this case. None of Father's inconsistent claims about "why" Mother filed requests for DVRO's to protect Mother and Child from Father were accurate.

Father's conflicting opinions in lieu of Facts pertaining to "why" Mother filed requests for Domestic Violence Restraining Orders against Father also vary from Court to Court. Here are a few of Fathers contradictory Opinions Father has disguised as Facts in his Declarations:

> Father claims to the Riverside County Court that Mother filed requests for Domestic Violence Restraining Orders in California because Mother wanted to stay in California.
>
> Father claims to the Los Angeles County Court that Mother filing requests for Domestic Violence Restraining Orders in California is Mother retaliating against Father for Father obtaining a Restraining Order against Mother and Father serving Mother with the Maricopa County, Domestic Relations Case. (Father obtained his restraining against Mother 7 months prior to Father making this accusation and Father hadn't even filed his Petition for Temporary orders yet when Mother filed her DVRO Petition)
>
> Father claims to the Maricopa County Court that Mother filed requests for Domestic Violence Restraining Orders to obtain Child Custody while committing Forum Shopping and to delay the parties' Domestic Relations case in Maricopa County.

That is just another example of how Father cannot manage to keep his story straight because Father is not being honest. Father makes claims like these to divert the Courts' attention away from the overwhelming evidence of Domestic Violence and Abuse.

These conflicting, differing stories from Father create massive complications for Mother while she is trying to prepare and present her case. Once Mother learns how she can defend herself from Fathers false claims or Mother requests the evidence she needs for upcoming proceedings, etc. Father changes his story, causing Mother to have to start the process all over again. Mother has had to spend considerable amounts of time and resources on preparing motions that would not be necessary if Father was being honest and reasonable. Mother's time, resources, energy etc. should be spent on the Child, instead of Mother being forced to chase after Fathers ever changing lies.

THERE IS A SERIOUS ISSUE OF DESCRIMINTATION IN THIS CASE PERTAINING TO DOMESTIC VIOLENCE RESTRAINING ORDERS

In August of 2022, Father obtained a Restraining Order against Mother. Father claimed Mother posted videos on the internet of Father committing Domestic Abuse which were embarrassing to Father. Father filed a criminal complaint against Mother with the Gilbert Police Department. The criminal case against Mother was closed with no charges filed, and no probable cause for arrest. This Court supported Father obtaining a Restraining Order against Mother and used it as evidence against Mother. Fathers claims against Mother in his Restraining Order did not include physical violence or the parties Child.

In September of 2022, Mother requested a DVRO against Father to protect Mother and Child from Fathers abuse that was continuing. Mother's request for a Restraining Order included evidence of YEARS of Significant Domestic Violence and Child Abuse including Physical Violence, physical injuries, threats, intimidation and more against both Mother and Child.

Yet, this Court has penalized Mother and Child for obtaining DVRO's to protect herself and the Child after YEARS of Significant Domestic Violence and Abuse suffered at the hands of Father. The abuse Father committed against Mother and Child includes extreme Physical Abuse, Child Abuse, Endangerment, Psychological Abuse, Emotional Abuse, Financial abuse, Coercive Control and more.

There's a concerning discrepancy in how this Court has viewed and treated the parties regarding Father and Mother obtaining Restraining Orders against each other. This discrepancy fits the exact definition of discrimination. Especially when Mothers request for a DVRO was based on hundreds of incidents of physical abuse, child abuse, psychological abuse, emotional abuse and other abuse which not only took place throughout the parties' entire relationship but also after Mother and Child moved to California.

Father's Restraining Order against Mother was based on an accusation of ONE incident where videos of Father committing Domestic Violence and abuse were posted on the internet which did not include the Child or any physical violence or physical injuries. This Court took Fathers accusations of needing protection against Mother for one incident of non-violent nature more seriously than it took Mother and Child needing protection from Father for hundreds of incidents of significant Domestic Violence and abuse that has continued throughout this case.

Furthermore, Father continuously omits the factual reasons Mother requested DVRO's to protect Mother and Child from Father.

MOTHER FILED REQUESTS FOR DVRO'S AS A REACTION AND RESPONSE TO FATHER'S CONTINUED ACTS OF ABUSE.

Father fabricates stories or disguises his OPINIONS as FACTS regarding Mother applying for DVRO's in California and submits his misrepresentations to the Maricopa County Court. Father completely disregards the facts, to intentionally mislead the Court about what abuse has happened.

Father never tells the Court the factual reasons WHY Mother had to file for a new DVRO multiple times. Father committed at least one new incident of Domestic Violence every time Mother had to re-file a request for a DVRO. Mother wouldn't have requested DVRO's at all if Father had stopped his abusive behaviors.

FATHERS VIOLENT, INTIMIDATING, THREATENING, TERRIFYING ACTS OF ABUSE ARE THE CAUSE.

MOTHER REQUESTING DVRO'S TO PROTECT HERSELF AND THE CHILD FROM FATHERS CONTINUED ABUSE ARE THE EFFECT.

If Father hadn't continued his acts of abuse against Mother and Child, Mother would not have reacted by requesting another DVRO to protect themselves. Father conveniently leaves out the cause portion of the equation when he complains to the Arizona Court about Mother requesting DVRO's against him. Father spins the story so far out of control and out of context that Mother cannot fathom how to prove to the Court that her requests for DVRO's were made in good faith because the overwhelming evidence Mother has submitted with her DVRO requests prove Mother and the Child NEED protection from Fathers continued acts of abuse. Father lies

so excessively that there are often no records besides Fathers own conflicting statements to prove Fathers lying. In this case, Father continues telling the Court in Maricopa County, AZ about Mother filing requests for DVRO's while Father is disguising his opinions as facts about why Mother had to request DVRO's to protect herself and the Child from Father. Father conveniently omits the new acts of abuse Father committed which Mother subsequently reported to the Court every time she requested a new DVRO.

After Mother and Child moved to California, Father continued to threaten, intimidate, harass and stalk Mother without regard for the fact that Fathers actions also affect the Child. Mother attempted to solicit assistance from Law Enforcement due to Fathers harassing, stalking, threatening, intimidation, etc. Mother was told she needed to obtain a DVRO against Father by both Law Enforcement and multiple Domestic Violence assistance organizations.

The acts Father was committing against Mother and Child are the identical acts any other victim of abuse is encouraged to get a DVRO for. Just because Father is a Police Officer doesn't give him the permission to be abusive. Because of Fathers profession, his victims aren't afforded the same protection as other victims. If Father was in another line of work, the Court wouldn't think twice about Mother and Child needing protection from Father.

Additionally, just because Father filed this case after Mother filed her initial request for a DVRO does not preclude Mother from requesting a Court protect Mother and Child from continued abuse. The parties in active litigation in this Domestic Relations case don't remove Mother and Child's rights to be protected. Father has committed the same acts of violence as other men. The difference is their victims are protected while Mother and Child in this case are being penalized for Mother trying to protect herself and the Child. Father has not been remotely

honest with this Court regarding the DVRO's. Father has made numerous conflicting statements between Courts, none of which are true.

On May 8, 2023, Parties had an evidentiary hearing scheduled in Los Angeles County, CA for Mother's DVRO request. The morning of Court, Father filed an untimely 160+ page motion filled with contradictory, unbelievable stories and fraudulent evidence.

The parties had several weeks' notice prior to the hearing and both parties' attorneys were in constant contact with each other. The massive motion was intentionally filed the same day of Court, so that Mother would not have an opportunity to defend herself against the untrue statements and pick out the fraudulent evidence Father submitted to the Court.

Among the many falsities, Father claimed that Mother had 4 previous cases requesting DVRO's which were dismissed **with prejudice.** That is untrue and impossible due to the fact you cannot refile a case once it's dismissed with prejudice. This statement was repeated many times throughout the motion. This statement was not made as an oversight, misunderstanding or error. Father intentionally made previous false statements about the cases being dismissed with prejudice because Father used that statement to request the Judge on the case cancel the evidentiary hearing and dismiss the case without considering any evidence, testimony or rebuttal from Mothers side. Father used that lie as a deceptive tactic, attempting to get the case dismissed without Mother having an opportunity to present her case.

Unfortunately, this was not the only time Father told exaggerated lies attempting to get a case dismissed while violating Mother's rights to due process. Father does everything he can to

not play by the rules. Father's attempt to deceive the Judge into dismissing the case without scheduling an evidentiary hearing was not successful.

Due to Fathers conduct significantly misrepresenting "facts" to the Court and playing games in the parties previous DVRO cases, Mother could not possibly represent herself. Mother had to hire a very expensive attorney who took up financial resources that could have been used on the parties' Child.

No victim of Domestic Violence or Abuse should have to hire an attorney to obtain an order of protection from their abuser!

A few hours before the parties' evidentiary hearing, Father threatened to have Mother arrested immediately upon stepping into the Courtroom if Mother appeared in Court for this DVRO evidentiary hearing. Mother nor her attorney had time to consult with a criminal attorney to determine if Father had some bogus charges filed against Mother, etc. Mother took Fathers threat seriously because Father had threatened Mother with having her falsely arrested for years during the parties' relationship. (Mothers accusation of Father threatening Mother with arrest was documented on the Courts record months prior to this event happening)

Mother did not appear in Court due to the threats made by Father. Mother's attorney appeared on Mother's behalf. The case was dismissed **WITHOUT PREJUDICE** due to Mother's failure to appear. The case WAS NOT Dismissed because the Court ruled Mothers allegations were unfounded although that is what Father continues to claim.

Mother filed a Police report for dissuasion of a victim, witness or party to a case. The investigation status is active.

Father successfully dissuaded Mother from attending the evidentiary hearing as a Party, Witness and Victim of a Domestic Violence Restraining Order case by threatening Mother.

Dissuasion of a Witness, Victim or Party to a DVRO case is considered another act of Domestic Violence and is a Criminal Violation of the Law.

Father will intentionally misinform this Court by claiming that that the Los Angeles Court determined Mothers allegations of Domestic Violence were unfounded. Father has made statements like that repeatedly throughout the course of this case. Father's deceptive statements are untrue. To this day, 1 year after Mothers initial request for a DVRO, there has NEVER been an evidentiary hearing for a Domestic Violence Restraining Order. Father evaded service for 6 months while sending attorneys on his behalf to get cases dismissed, while Father was actively violating the active Restraining Orders. Father has even lied to this Court claiming the Judge in California found Mothers accusations of Domestic Violence and abuse unfounded. That has never happened! In Fact, the Judge in the parties' action in Los Angeles, CA corrected Father and told Father that Mothers accusations WERE NOT UNFOUNDED OR FOUNDED as the Court never had an opportunity to hear the case in an evidentiary hearing. Father continues spreading false statements from Court to Court without any consequences for his intentional misrepresentation of facts.

Father has intentionally stated massive amounts of deceptive misinformation on the record from the beginning of this case. It's impossible for Mother to clean up all the false information Father has maliciously placed on the record. The more motions Mother files trying to clean up this mess, the more lies Father responds with.

Father filed many additional misleading statements to the Los Angeles, CA Court regarding Mother's previous DVRO actions. One of those misrepresentations is when Father states that Mother filed her first petition for a DVRO on **September 15, 2022**. **See Exhibit 37.**

That is not true, it was filed on **September 13, 2022**. Father did not switch up the dates by mistake. Father knows the correct date of Mother's filing; Father had no issue stating the correct date on other filings Father has submitted.

Father claims that Mother filed her request for a DVRO on **September 15th** in retaliation of Father serving Mother with the summons for the Maricopa County Domestic Relations Case and Fathers Order of Protection against Mother. Fathers' accusation is not only dishonest but physically impossible.

Father filed his Petition for Temporary Orders in Maricopa County on **September 13, 2022**. This was coincidentally the same day that Mother filed her first DVRO request in Riverside County, CA. For Fathers claim that Mothers motive for requesting a DVRO was retaliation to seem accurate or believable, Father needed the filing date of Mothers Petition for a DVRO to be AFTER the date Father filed his Petition for Temporary Orders. Father had to lie about the dates to legitimize Fathers fabricated claim that Mother filing her request for a DVRO on September 13, was filed in retaliation of Father serving Mother with the Domestic Relations case and Order of Protection Father obtained in Maricopa County.

That entire paragraph in Father's declaration shown in Exhibit 37, isn't an accidental misrepresentation or an innocent error, it is another bold, calculated, fabricated lie.

Father did not serve Mother with his Order of Protection until **February of 2023**. Mother had not been served with anything from Maricopa County Superior Court as of **September 13th,**

2022. Fathers Petition for Temporary Orders wasn't even filed with the Maricopa County Court until **September 13, 2022**.

Furthermore, Father filed a Motion on **October 15, 2022,** in Maricopa County, AZ, requesting the Court Order Alternate Service to serve Mother with the Maricopa County Case. One look at a calendar will prove Mother had not been served with anything on **September 13, 2022,** the day Mother filed her initial request for a DVRO in Riverside County, CA**.**

Father fabricated the entire story, even changing dates so that Father could claim Mother requested her initial DVRO in retaliation for Father serving Mother with his Restraining Order and Petition for Temporary Orders.

If this Court believes Fathers claim to be true and Mother had been served by Father prior to Mother filing her request for a DVRO on September 13, 2022, Father should explain to this Court how he served Mother with the Motion for Temporary Orders on the same day the motion was filed with the Maricopa County Court. Additionally, why would Father request this Court grant Father an Order for alternate service in October of 2022 for Mother if Father supposedly already served Mother prior to Mother obtaining a DVRO against Father on September 13, 2022?

Father told another kind of similar story to the Court in Maricopa County, AZ. Father claimed Mother filed a request for a DVRO as a response to Father serving Mother with his Petition from Maricopa County. Father has not explained to this Court how he managed to serve Mother with Court documents that Father hadn't even filed in Arizona at the time when Mother requested a DVRO to protect herself and the Child from further abuse. Father has not only made-up conflicting stories but has also edited dates, fabricated evidence, etc. to assist in

substantiating his lies. Again, Fathers conduct creates an exceptional difficulty for Mother trying to defend her case when Father is intentionally submitting fraudulent claims to the Court.

Father cannot have it both ways. Father needs to pick one of his fabricated versions of events and stick to it. Mother cannot effectively defend herself against the ridiculous and continuously changing claims Father fabricates. Father's contradictory stories between Courts don't add up and are intentionally confusing.

The entire paragraph Father wrote about Mother's DVRO request being retaliatory was intentionally deceptive, there wasn't a single word of truth. Additionally, Fathers claim didn't match his previous claims in the Arizona or Riverside County Courts. Mother cannot effectively defend her case when Father not only lies but is so brazen that he even changes filing dates in his declarations he submits to the Court under penalty of Perjury. It would be an impossible task for Mother to fact check every word Father claims in his massive motions filled with irrelevant information Father submits to the Court. Nor can Mother afford to hire an attorney to do such tedious, time-consuming work. As long as Father continues being dishonest with the Court, Mother will not have a fair opportunity to present her case or defend herself against Fathers audacious claims.

FATHER ACCUSED MOTHER OF OBTAINING A DOMESTIC VIOLENCE RESTRAINING ORDER AGAINST FATHER WITH RETALIATION AS MOTHER'S MOTIVE.

FATHER MADE THIS SERIOUS ACCUSATION AGAINST MOTHER KNOWING THE ACCUSATION TO BE UNTRUE.

That is a significantly damaging accusation against Mother that Father completely fabricated. Father has habitually concocted stories with the intent to inappropriately and unfairly

damage Mother's reputation and credibility dozens of times throughout this case, in three different Courts. This was another instance of Father manipulating and twisting the "facts" of this case, creating a narrative that was simply not true.

Furthermore, Fathers deceptive claims have caused legitimate victims of Domestic Violence and Child Abuse to be unfairly unprotected from their abuser.

In the same filing, Father tells the Los Angeles Court "I hired counsel to specially appear on my behalf to contest jurisdiction, as the Petitioner had failed to serve me by this date." Father blamed Mother for the parties' DVRO actions dragging on for an outrageous amount of time by blaming Mothers lack of service for why Father wasn't attending the parties DVRO hearings.

Maricopa County Sheriff's Office records show an MCSO deputy attempted to serve Father on many occasions. MCSO spoke to Father on the telephone, left messages for Father on voicemail, left cards in Father's door, and attempted to contact Father at work. Father knew MCSO was attempting to serve him because Father agreed to meet the MCSO deputy on multiple occasions, but Father failed to follow through with the MCSO Deputy. Mother had to file a formal complaint with MCSO to get Father served. **See Exhibit 38.**

When Mother filed a formal complaint with MCSO about the lack of service, MCSO told Mother that they were giving Father professional Courtesy because he is a Police Officer. MCSO Could not serve Father at home or at work. MCSO gave Father the Courtesy of scheduling a convenient time to meet up with Father. MCSO wouldn't have been so patient with a regular citizen evading the service of a DVRO from their Deputies. In this instance, Father abused his position as a Law Enforcement Officer again. Father clearly knew of the DVRO cases, or Father wouldn't have hired an attorney to appear on Fathers behalf at Court appearances.

Again, Father blames Mother for his actions. Father purposefully evaded service and clearly knew about the DVRO hearings if Father sent an attorney to Court on his behalf. Fathers' attorney in Arizona and Fathers employer, the Mesa Police Department were both provided copies of Mothers DVRO filings. Father was being contacted by a deputy with MCSO who was attempting to serve Father for months. Yet, Father blames Mother for not serving him in time for why Father didn't appear at the Court hearings, further delaying proceedings. Mother had to live with Father constantly blaming and punishing her for every issue in Father's life, regardless of if the issue was genuinely Mother's fault or not. Now that Father does not have access to abuse Mother, Father is using the Court system to blame Mother for his actions and further abuse Mother. Father refusing to accept service of the DVRO's is nobody's fault but his own. Father does not know how to take accountability or responsibility for anything in his life.

Additionally, Father continued to violate the Domestic Violence Restraining Orders while they were active and got away with it because Father hadn't been served. Law Enforcement could not do anything to stop Fathers abusive conduct during the time there was an active Restraining Order because Father was evading service. Mother had to keep re-filing when new incidents of Domestic Violence would occur. Mother had no other legal recourse for Father continuing to knowingly violate the conditions of the DVRO.

In the same Declaration Father filed in the Los Angeles, CA, Father describes the next Riverside County DVRO hearing. Father purposefully omits several pieces of this record from his statement. Father does not disclose there was another hearing in Riverside County in which Father sent counsel on his behalf again. Only Mother by herself and Fathers Counsel appeared in person at the hearing, Father did not appear. Father has also intentionally omitted the record of

this Court hearing from the Maricopa County Court record. Father intentionally only submitted 1 page of the record of this DVRO case to the other Courts while omitting the pages he didn't want the other Courts to see.

At this hearing, The Honorable Judge Kristi Kirk told Fathers attorney that the Court would be taking Jurisdiction over the DVRO. The Honorable Judge Kristi Kirk made this decision due to Father continuing his abuse since Mother and Child were present in the State of California. The Judge provided Mother and Fathers counsel with case law that she was using to support her decision. The case was *Hogue vs. Hogue*.

This Judge also advised Fathers counsel that if Father or Father's attorney did not accept service of Mothers DVRO, the Court would email the DVRO to Father and consider it served.

Father filed a Preemptory Challenge, 170.6 motion after that hearing to change the Judge on the case. Father intentionally omitted the record of those actions from the record in Maricopa County and the Los Angeles Courts. Father can't reasonably blame Mother for delaying proceedings when it was Father causing the delays. Father couldn't manipulate this Judge; Father didn't get a favorable result from his tactics. Father didn't like that the Judge could see right through his games, so Father created another delay and diversion by unreasonably changing the Judge. Father claimed the Judge had a bias against him, but Father never even appeared in Court.

Father did not like that the Judge admonished Fathers attorney for refusing to accept service on behalf of Father, which resulted in the case being dragged on from September of 2022 until Father finally accepted service in FEBRUARY of 2023.

This Judge listened to Mother, read prior Court transcripts and was able to see that father was playing games with the Court, all while continuing to commit acts of abuse against Mother and Child. The Honorable Judge Kristi Kirk intentionally put it on the record that Fathers

attorney was again refusing to accept service on behalf of Father. **Father refused to accept service from September of 2022 until FEBRUARY of 2023.**

Father has intentionally omitted the documents pertaining to that hearing or Father delaying proceedings with his Change of Judge motion to the Maricopa County Court. **See Exhibit 39.**

To this day, Father has never adequately or respectfully addressed the Domestic Violence and abuse allegations that Mother has submitted to the Courts, aside from lying saying the events never happened or blaming the victims for their own abuse.

Fathers filings inappropriately attempt to paint Mother as a horrible person to deflect from Father's own anger management issues, substance abuse issues, Child abuse and Domestic Violence Father has committed. Father deflects off the Topics of Domestic Violence or Child Abuse by fabricating stories to damage Mothers credibility and perceived Parental Fitness. Father literally points the finger at Mother about an irrelevant topic whenever the Topics of abuse arise. Father successfully distracts the Court no matter how much evidence Mother has submitted to this Court.

Father intentionally files dishonest claims that he knows are untrue, misleading the Courts so that Father doesn't have to answer for the living hell of a nightmare he put Mother and Child through for years. Father has never gone before a Judge and honestly testified to the photos of injuries, videos of Fathers abusive behavior, police reports depicting Fathers abuse, etc.

Instead, Father will reply to Mother's request for a DVRO with 100+ pages of distractions, refusing to speak of or address Domestic Violence or Child abuse. Thus far, Father's technique of distraction and deflection has worked. Father turns each Courtroom into a

three-ring circus full of distractions that have nothing to do with the topics that are of primary importance.

This Motion is about Vacating the Temporary Orders due to Fathers Unjustifiable Conduct and Fraud on the Court. Father's Dishonest Conduct caused this Court to issue Temporary Orders that are not consistent with the Child's Best Interests, Arizona Rules of Family Law Procedure, Arizona Law or the United States Constitution.

When Father replies to this Motion, Father will tell this Court more contradictory, embellished, fabricated stories about Mother. Father will not take any accountability or responsibility for the YEARS of abuse he put Mother and Child through. Father will conveniently fail to address all the deceitful lies and fabricated stories Father has told each Court. Mother has only outlined a few of Fathers many Deceitful Actions and incidents of Perjury in this Motion, there are many more.

Father has no legal reason as to why he lied in multiple Courts in Declarations Father signed under the penalty of Perjury. Father has no legal defense for why he told Law Enforcement different stories than he has told this Court. Father can't even make reasonable excuses for why his own claims contradict each other in his own motions; sometimes Father's claims even contradict each other in the same motion.

Fathers' response to this motion will surely be filled with more deceitful claims about Mother. Father will intentionally mislead the Court even more while submitting additional dishonest statements on the record. Father has demonstrated a pattern of unethical behavior that proves Father will never tell the truth or litigate this case fairly. In this Motion, Mother has pointed out multiple instances where Father has lied to the Court, causing irreparable damage.

Father will still find a way to continue manipulating this Court to make Fathers dishonest Conduct Mother's fault. Father will even request this Court punish Mother for his own actions.

Father's Response to this Motion will also tell the Court how Mother is not following the Temporary Order in attempt to overshadow all the perjury, deceitful tactics, and fabricated evidence Father used to fraudulently obtain the Temporary Order. There is no legal excuse Father can use to justify the deceitful conduct Father demonstrated, convincing this Court to issue the Temporary Orders in this case. Father will continue distracting this Court from the fact that Father is the real problem. Father will likely have a new, compelling story to tell the Court while changing his claims, evidence, etc. to fit his objectives in the moment.

Mother had to file her request for a DVRO in Los Angeles County in February of 2023 after moving to Los Angeles. There was a new incident of Domestic Violence when Father threatened to burn Mother's Parents house down while his Father was driving by and sitting outside Mothers parent's home. Father talks about mother obtaining a DVRO in Los Angeles, CA with the Maricopa County Court. Of Course, Father takes the situation out of context and puts his own spin on the story for the Court. Father conveniently omits the details of what he did to contribute to the incident that caused Mother to file her request for a DVRO and caused Mother to move.

Mother obtaining a DVRO against Father in Los Angeles was the effect. Father driving by Mothers parents' home while calling Mother threatening to burn the house down with everyone inside, including the Child was the Cause. Fathers' abusive, illegal conduct is always the cause. Father only provides the Maricopa County Court with the effect of Mother requesting a DVRO, Father doesn't tell the Court the entire story. How has Mother submitted evidence

including photos, videos, Police reports, etc. to the Court that Mother is attaching to her requests for a DVRO? Fathers claims that Mother is just frivolously or maliciously requesting DVRO's doesn't even make sense when Mother has overwhelming evidence that the abuse did occur and is continuing to occur.

Mother and Child moved from Murrieta (Riverside County) to Los Angeles when Father called Mother threatening to burn the house down if Mother didn't return to Arizona immediately. Father's Dad's truck was parked down the street from Mother's parents' home and was spotted driving by at the same time as the threats from Father which made Father's threats more credible than usual. Father's Dad's truck is not only custom and unique, but it is equipped with an advanced GPS system through Ford. GPS records can be subpoenaed to prove it was in fact his vehicle used to stalk Mother while acting as an accomplice to Father committing another act of Domestic Violence by making criminal threats.

Father will continue to file inaccurate misrepresentations of "facts" with this Court. The actual facts are simple. Mother attempted to obtain a DVRO to protect herself and the Child from Father's continued abuse after YEARS of Significant Domestic Violence and abuse. Father continued to violate the DVRO's without any consequences because Father was evading service for over 6 months.

When Father called Mother screaming, threatening to kill Mother, the Child and Mother's Family while Father's Dad's truck was in Mothers parents' neighborhood, what does this Court expect Mother to do? Mother immediately moved for her and the Child's safety. Moving to Los Angeles was never Mother's plan or intention. Mother and Child moving to Los Angeles was the effect of the unsafe circumstances Father created.

Father continues telling the Maricopa County Court that Mother requested DVRO's but Mother cannot determine why the Court would punish her for attempting to protect herself and the Child from the continued acts of harassment and abuse Father kept committing.

Father would not stop his psychotic behavior which terrified Mother, the Child and Mothers family. Due to Fathers conduct and refusal to accept service of the TRO's, Mother could not obtain lawful protection against Father. Mother was left with no other choice but to move since Father could not help himself but to continue his uncontrollable psychotic behavior. Father does not care how his erratic; abusive actions affect the parties' Child or Mother.

Father pretends like his actions never happen while showcasing Mother's provoked responses to Father's continued abuse.

Father's accusations that Mother committed "forum shopping" while requesting a DVRO to protect Mother and the Child from further abuse after Mother and Child experienced many years of abuse is another concerning example of Father intentionally misleading the Court.

Mother was naïve to think Father would stop his abuse after Mother and the Child moved to California. When the abuse continued, Mother exercised their Constitutional rights to request equal protection from abuse, by filing a request for a Domestic Violence Restraining Order at the Court closest to where Mother and the Child lived. Mother was advised to do so by multiple Law Enforcement agents as well as Domestic Violence Organizations.

By law, Mother is supposed to file a Petition for a DVRO at the Courthouse closest to where she resides. Mother has only filed Restraining Order applications against Father at the two Courthouses closest to where she lived at the time when she filed.

Additionally, DCFS opened an investigation into this family. DCFS told Mother that Mother needed to obtain a DVRO to protect herself and the Child from Fathers abuse and agree

not to return to Arizona. Otherwise DCFS would remove the Child from Mothers care and place the Child into foster care for **failure to protect the Child from Father's abuse**. Mother doesn't want to traumatize the Child, which will happen if the Child ends up in foster care. Mother is the parent who is looking out for the Child's best interests. Mother has obeyed every command from DCFS.

Over a dozen Law Enforcement professionals who have knowledge of or involvement with this case have told Mother that she NEEDS a DVRO for her and the Child. Mother has followed the directions of professionals who deal with Domestic Violence and Child Abuse. Therefore, Mother should not continue to have the fact that she has requested protection from their abuser be held against her.

Mother's motive has never been forum shopping. You can tell by this Petition that Mother is clearly not an attorney. Regular citizens that are not attorneys do not know what "forum shopping" is. Mother had never heard of the term "forum shopping" prior to this case. Upon looking up the legal definition of forum shipping, Mother did not commit forum shopping. It's concerning anyone would believe that Mother attempting to protect herself and their Child from Significant Domestic Violence and Child Abuse was committing forum shopping.

A Mother and Child victims of Domestic Violence and Abuse should be protected from their abuser regardless of which Court Mother filed a request for a Restraining Order in. Any victim who moves away from their abuser and is still experiencing abuse such as stalking, threatening, intimidation, harassment, etc are not thinking about "forum shopping" prior to requesting a lawful Order of Protection from further abuser.

It's troubling this Court would expect Mother who was experiencing continued abuse, to return to Arizona, where their abuser is, to file a Restraining Order to protect Mother and Child

from further abuse. Restraining Orders are valid and observed in all 50 states regardless of the Court that issued the Restraining Order. One would think that all restraining orders would be the same regardless of which Court issued the Order.

Furthermore, in Arizona Mother would be required to physically go into the Courthouse to obtain a Restraining Order against Father. Did this Court expect Mother to drive 6-8 hours to obtain a Restraining Order in Arizona, a State Mother no longer lived in? That would potentially put Mother and Child in more danger travelling to the location where their abuser lives. Or was Mother supposed to continue allowing Father to abuse Mother and Child AFTER Mother and Child moved to California? It was enough Mother and Child had to endure years of literal hell being abused by Father, they didn't deserve or need Father calling screaming at them or hacking into electronics, etc. after Mother and Child moved.

Father unexpectedly kicked Mother and Child out of their home in another act of Domestic Violence. That wasn't the first time Father kicked Mother and Child out of their home. It was, however, the first time that Mother didn't go back when Father demanded she return. Father cannot unexpectedly kick Mother and Child out of their home while Father is committing significant, extreme Domestic Violence against Mother and Child and then reasonably expect to have control over where Mother and Child go. How does this Court not see Father's actions as controlling and abusive? Father requesting the return of the Child to Arizona has nothing to do with the Child and everything to do with Control and continuing his abuse.

In the past Father has kicked out Mother and Child multiple times. Mother and Child would go to California for differing amounts of time. Father would either claim he was going to get help for his issues to convince Mother to return to the abusive relationship or Father would threaten Mother which would result in Mother returning to the abusive relationship out of fear.

This time was different than the previous times, Father undoubtedly knew when Mother and Child left Arizona in August of 2022 that they were not returning to Arizona.

Father was fully aware that the only place Mother could go was to her parents in California, the same place Mother went the other times Father kicked Mother and Child out of their home. Father filed this case in the Maricopa County Superior Court when Father realized Mother was no longer allowing herself or the Child to be further abused by Father. There are rules and laws in place that are supposed to protect a Mother and Child after a Mother finally gathers the courage to say enough is enough. Mother should be assisted and protected by this Court, not penalized for standing up for herself and their Child against being abused. Especially when Father comes before this Court claiming Mother allowed the Child to witness Significant Domestic Violence, which is contrary to the Child's best interests. If it's contrary to the Child's Best Interests for Mother and Child to stay in an abusive situation, why would this Court punish Mother and Child for leaving that abusive situation? And why would this Court want to place an innocent Child back into that situation? Mother and Child are punished whether they stayed or left the abusive situation.

Mother kept herself and the Child removed from the perpetual abusive situation with Father, which is in the Best Interests of the Child. Mother nor Child should be legally subjected to any additional abuse from Father. Not only is this Court forcing Mother and Child to be subjected to further abuse by Father a violation of the Arizona Rules of Family Law Procedure but also contradictory to the Laws of the State of Arizona and the Constitution of the United States of America.

Due to the fact Mother has never filed a Restraining Order in her life prior to this action, Mother would have no knowledge that the provisions in a Restraining Order are different

between California and Arizona or any other state. Mother still has no comprehension of the difference in a Restraining Order in Arizona versus California aside from Fathers attorney Caitlin Andrade claiming in Court that there are some kind of different provisions in the California Restraining Orders that are not in the Arizona Restraining Orders. How would a Court reasonably expect a regular person to know that Restraining Orders are different in each state? Mother and Child continued to be abused after they moved to California. Mother should not be expected to drive 6-8 hours back to Arizona, where their abuser lives, to file a Restraining Order to protect Mother and Child. Mother, nor any other victim of Domestic Violence would think of travelling to another State to file a Restraining Order. Mother was only thinking about what she could do to make the harassment, threats, intimidation and abuse stop immediately when Father would not stop causing chaos in Mother and Childs life. Mother went to the nearest Courthouse, closest to where Mother and Child lived to request a Domestic Violence Restraining Order to protect herself and the Child from Fathers continued abuse. Mother obtained the restraining order prior to Father filing his Petition for Temporary Orders in Arizona. Mother had not been served with any legal paperwork in Arizona. Fathers claims about why Mother obtained a DVRO are false and inconsistent with basic common sense.

This Court punishing Mother and Child over false allegations of "Forum Shopping" and stories Father has embellished and fabricated is an extreme injustice to Mother and Child. Logically, the accusation of Forum Shopping made by Father does not even make sense. Additionally, there is no statute in the State of Arizona pertaining to Legal Decision Making or Parenting Time for a parent who does commit Forum Shopping."

Mother requesting a DVRO from the Courthouse closest to where she resides is not Forum Shopping. It is Mother trying to keep herself, the Child and Mother's family safe from

further abuse that CONTINUED to happen AFTER Mother and Child moved to California. It would be ridiculous for Father to expect that mother and Child would leave an abusive situation, move to another state and then return to the same location where the worse abuse happened, to file a Restraining Order.

The law states that Mother should have filed a Restraining Order in the Court closest to where Mother resides, that is exactly what Mother did. Mother did not do anything illegal or commit misconduct by requesting an Order of Protection to protect herself, her family and the Child from Father, who abused Mother and Child for years. There was a new incident of Domestic Violence when Mother re-filed her Order of Protection applications. Mother is still confused and concerned about how she is being accused of "Forum Shipping" besides that Father's attorney threw "Forum Shopping" out like a buzzword at the beginning of this case and the accusation unfairly stuck. Mother does not stand a chance of defending herself or getting the Court to listen to the truth when Father and his attorney are literally making up stories and submitting fraudulent evidence to this Court as they go.

IF FATHER HAD STOPPED COMMITTING ACTS OF ABUSE, MOTHER WOULD NOT HAVE NEEDED TO REQUEST MULTIPLE DOMESTIC VIOLENCE RESTRAINING ORDERS AGAINST FATHER. FATHER OMITS THE FACT THAT MOTHER NEEDED TO APPLY FOR THOSE DOMESTIC VIOLENCE RESTRAINING ORDERS IN ATTEMPT TO KEEP HERSELF AND THE CHILD SAFE FROM FATHERS CONTINUED ABUSE.

Mother should not have had to file ONE DVRO, she certainly did not want to or intend to have the need to file multiple DVRO's. Mother was naïve to think Father would stop abusing

Mother and Child from a State away. Not even a considerable amount of distance stopped Father from continuing his abusive behavior towards Mother and Child.

THIS COURT SHOULD BE CONCERNED FOR THE SAFETY OF THE MOTHER AND CHILD DUE TO FATHER'S CONTINUED ABUSIVE CONDUCT.

Father misled the Court regarding Mother and Child's needs for lawful protection against Father, resulting in Mother and Child being punished for exercising their Constitutional Rights to equal protection from abuse.

Mother and Child desperately need protection from Father. Mother is asking for this Court to issue orders to keep Mother and the Child safe. This Court should be able to see from this Motion that Father goes to any lengths to continue his abuse. Father labeling Mother as a liar, claiming Mother lied about significant Domestic Violence when Father knew Mothers accusations to be true is beyond concerning and should be illegal.

The Temporary Orders in this case have emboldened Father which is further endangering Mother and Child. Mother and Child are in more danger from Father than they have ever been.

Not only has Father committed extremely significant Domestic Violence and abuse but Father has gone to extensive lengths to inappropriately and unfairly destroy Mothers credibility so that Fathers acts of significant Domestic Violence and abuse are ignored and go unpunished.

Father has testified under oath in this Court and the Court in California that all internal affairs complaints from his employer, The Mesa Police Department, were unfounded and closed. Father told this unsolicited story without Mother or the Court asking about Father's Internal Affairs Investigations.

Mother has an email from Internal Affairs at the Mesa Police Department which states that the numerous investigations into Father's illegal conduct were consolidated into one investigation, not completed. **See Exhibit 40**.

Father also states in his Response to Mothers request for a DVRO in Los Angeles, CA that "As with all prior investigations by my employer, I learned that my department intends to find me not at fault for allegations Petitioner has made against me." How would Father know what his employer intends to do in the future? That is a very bold statement and insinuates that the Mesa Police Department doesn't investigate allegations against their officers. How would Father know what his department's intentions are in the future?

Father continues to claim that Mother's accusations of Domestic Violence cannot be afforded weight or found credible. How does Mother have extensive evidence of Domestic Violence if Domestic Violence and abuse didn't occur? Father blatantly refuses to acknowledge the significant Domestic Violence and abuse Mother and Child suffered by the hands of Father.

Father lied excessively to damage Mother's credibility, which resulted in the Court refusing to protect Mother and Child from future abuse. Its offensive Father claims Mothers accusations of Domestic Violence cannot be found credible. If Mother's accusations are unfounded, how does Mother have hundreds of photos of injuries, dozens of videos of Father committing Domestic Violence and abuse, Police Reports describing the abuse including some narratives of videos submitted to law enforcement, a District attorney statement for Domestic Battery, Fathers own conflicting statements in every single Court, etc?

It is Fathers claims that cannot be found credible when Father tells a different story to Law Enforcement and under oath to the Courts.

FATHER HAS SAID IN HIS FILINGS WITH EVERY COURT THAT MOTHER IS FILING THE SAME EXACT, IDENTICAL ALLEGATIONS AGAINST FATHER WITH EACH COURT. MOTHER'S CLAIMS ARE CONSISTENT REGARDLESS OF WHICH COURT OR LAW ENFORCMENT AGENCY MOTHER IS SPEAKING TO BECAUSE MOTHER'S CLAIMS ARE TRUE.

Throughout this case Father has identified with his title as a Law Enforcement Officer to unfairly and inappropriately gain an automatic perceived amount of credibility and trust with this Court. Father abused his title as a Police Officer when he continuously lied to multiple Courts while under oath. Committing perjury is a direct contradiction of Father's duties and oath he took as a Police Officer. Due to Father being in Law Enforcement, he cannot claim ignorance as an excuse for committing excessive perjury while purposefully using deceptive practices to mislead Law Enforcement and multiple Courts.

This Court issued Temporary Orders in Fathers favor because of overwhelming fraudulent evidence and testimony presented by Father in this case. Fathers misconduct also resulted in this Court violating Mother and Child's Constitutional Rights to be protected from their abuser.

Father claimed that Mother was lying about being victims of Domestic Violence and abuse when Father knew Mothers claims were true. That offense is considered sanctionable under A.R.S. 25-405(A)(2).

Due to Fathers threats of violence and acts of abuse that have continued while this case is actively litigated, Mother had to spend significant amounts of money to move and to implement security measures for the safety of Mother and Child. Those are significant economic losses that Mother should not be forced to pay for, when Father's actions of misconduct are the cause.

Due to Father's misconduct in this case, Mother and Child have not been legally protected from Father with a Court Order of Protection.

Furthermore, Father has abused the Temporary Orders that were issued in this case to damage the integrity of several active criminal investigations with Father listed as the suspect. Father has told investigators that Mother is lying about the Domestic Violence and Child Abuse because the Family Court gave Father Custody of the Child and Mother supervised visitation, therefore Mother's accusations of abuse were already found to be untrue by the Maricopa County Superior Court.

Father obtaining the Temporary Orders in this case based on lying, deceitful misrepresentations and fraudulent evidence have caused significant issues with the criminal investigations against Father and has caused irreparable damage to Mother and Child.

Mother and Child will never see justice for what Father has done to them. Father continues to stalk, harass, intimidate, threaten, and further abuse Mother and Child without consequences. This Court is enabling Fathers continued abuse with the orders it makes.

MOTHER AND CHILD HAVE BEEN IDENTIFIED AS VICTIMS OF ASSAULT, CHILD ABUSE AND DISORDERLY CONDUCT WITH FATHER LISTED AS THE SUSPECT. MOTHER WAS NOTIFIED PERSUANT TO A.R.S. 13-4055 OF MOTHER AND CHILD'S RIGHTS AS VICTIMS OF DOMESTIC VIOLENCE AND ABUSE.

See Exhibit 41

THE VICTIMS OF FATHERS ABUSE HAVE A CONSTITUTIONAL RIGHT TO BE TREATED WITH FAIRNESS, RESPECT AND DIGNITY AND TO BE FREE FROM

INTIMIDATION, HARASSMENT OR ABUSE. THOSE CONSTITUTIONAL RIGHTS OF MOTHER AND CHILD ARE BEING VIOLATED AS A RESULT OF FATHERS SUCCESSFUL FRAUD UPON THE COURT.

In the interests of Justice, this Court should Vacate the Temporary Orders that were issued because of Fathers unjustifiable conduct, criminal conduct, intentional misrepresentations, calculated deceit, Perjury and fraud upon the Court.

Discovery of significant deception and dishonesty is grounds for the Temporary Order to be vacated.

This case involves the safety of a minor Child and her Mother. Victims' safety should be of primary importance to this Court. Under A.R.S. 25-403.03(B) "[t]he Court shall consider evidence of Domestic Violence as being contrary to the best interests of the Child." "The Court shall consider the safety and well-being of the Child and the victim of Domestic Violence to be of primary importance." "The Court shall consider a perpetrator's history of causing or threatening to cause physical harm to another person." The Domestic Violence evidence in this motion alone demonstrates the Domestic Violence and abuse in this case was "significant." Therefore, there is a rebuttable presumption that an award of sole or joint legal decision-making to the parent who committed the acts of Domestic Violence is contrary to the Child's best interests.

Father has manipulated this Court with his deceitful actions to continue abusing and traumatizing Mother, the Parties Child and Mother's family.

Due to Fathers deceptive, illegal practices in this case, Mother requests the Court award her attorney's fees under A.R.S. 25-324. Father's intentional deception, excessive misrepresentations, bold lying and unnecessary emergency orders in this case are unreasonable.

Father has significantly more financial resources than Mother. Attorney's fees should be awarded to Mother pursuant to A.R.S. 35-324 and A.R.S. 25-403.08, after considering the relative financial resources of both parties, the Court may award attorney's fees and costs incurred in maintaining or defending the proceedings. *White-Nathan V Nathan*, 181 Ariz. 112, 120 (App. 1994) Further, the primary intent of A.R.S. 25-324 is to assure a remedy for the party with the least ability to pay. *Gore V. Gore*, 169 Ariz. 593, 595 (App. 1991). Furthermore, the purpose for awarding attorney's fees during litigation is to ensure that the party with the least resources has the ability to properly litigate issues before the Court. *Edsall V. Superior Court*, 143 Ariz. 240, 693 (1984) Mother is requesting Father be responsible for paying Mothers attorney's fees, costs and expert witness fees to enable Mother to obtain adequate legal representation and to prepare evidence for hearings. There is a significant disparity in income between the parties, Mother clearly has the least ability to pay.

Moreover, A.R.S. 25-324(B) requires the Court to award attorney's fees if it finds the parties' Petition was not grounded in fact. It's clear by the evidence presented in this motion that Father's Petitions were not filed in good faith. Father's Petition was filed for the improper purpose of continuing his acts of Domestic Violence and abuse.

The majority of Father's initial Petition and Motion for Temporary Orders were filled with contradictory, fabricated stories meant to deceive the Court. Father's intentions with his Paternity action were not genuinely about Fathers concerns for the Child or Father's relationship with the Child. Father never cared about the Child when the Child and Mother lived with Father. The only time Father had a relationship with the Child was when the parties were attending a social function. Otherwise, Father has admitted in his own testimony with this Court that Father never took care of the Child's daily needs.

Father's intention with the Paternity action was clearly to further abuse Mother. Father doesn't care that him abusing Mother is harming the Child. Father filed this Domestic Relations case after Mother disconnected all avenues for Father to continue his abuse of Mother and Child. Father is now using Law Enforcement and the Courts to continue his abuse.

Mother and Child should not be further punished by the Court for Mother removing herself and the Child from a dangerous, volatile, unhealthy, abusive situation. Mother and Child starting over with nothing after Father kicked Mother and Child out of their home was already challenging enough. Mother and Child do not deserve to continue being subjected to Fathers violent, angry, drunken, abusive behaviors.

Father has demonstrated with his actions to the Courts that Father will never stop abusing Mother and Child. Father has had no boundaries or self-control during this litigation. Father will continue lying, intentionally misrepresenting "facts" and will use new tactics to deceive the Court now that the Court has been made aware of Fathers past deceitful tactics.

Father not only committed YEARS of significant Domestic Violence and Child Abuse but subsequently lied to THREE Courts and Law Enforcement about it.

Father used this Court to dishonestly accuse Mother of making false accusations of abuse against him, when Father knew in fact that Mothers accusations of Father committing Domestic Violence and Child abuse were true.

Father was so convincing with his never-ending perjury that he convinced this Court to award him Sole Legal Decision-Making Authority, dangerously placing the Child in the hands of their abuser.

No Child should be exposed to this extremely concerning behavior Father has demonstrated throughout this case. Father has proved that he will go to any lengths to continue his abuse, even while parties are in active litigation.

Father's abhorrent conduct outlined in this motion, along with years of abuse Mother and Child suffered from Father is adequate proof that the Child is unsafe with Father.

Father's lacks accountability and remorse for the years of torture Mother and Child suffered from Fathers violent, frightening behavior. The Court should be concerned that Father does not recognize his extremely abusive behavior as abuse, Father is clearly in denial or delusional.

Father has made no attempts to get himself treatment for his anger management, domestic violence, substance abuse or excessive drinking issues because he doesn't care about the effect his actions have on Mother or the Child.

Father has not been honest with Law Enforcement or any Court case the parties have been involved in. Father has lied about so much that Father damaged his own credibility to the point where Father cannot be trusted with anything he says.

Father has continued committing acts of abuse during this case without regard for how his own actions affect the Child, demonstrating that both Mother and Child are not safe around Father.

MOTHER AND CHILD ARE REQUESTING THIS COURT ISSUE IMMEDIATE ORDERS TO PROTECT THEIR CONSTITUTIONAL RIGHTS TO BE EQUALLY PROTECTED FROM FURTHER ABUSE BY FATHER, INCLUDING LEGAL ABUSE.

Father manipulated multiple Courts of Law and Law Enforcement. Father should not be permitted the opportunity to manipulate a young Child's mind. Father has put Mother, Child and

Mother's family through hell throughout the duration of this case. Father needs serious Mental Health Intervention so that he does not continue traumatizing his victims. Father does not see his abusive actions as the problem. Father only sees Mothers reactions to his actions. Father abusing, stalking, harassing and threatening Mother is not consistent with the Child's Best Interests. Father does not see how his actions affect the Child, nor does Father care. If Father cared, he would stop.

There is a significant history of Domestic Violence in this matter. Mother should be awarded sole legal decision making and designated as the Child's primary residential parent. "[J]oint legal decision-making *shall not* be awarded if the Court makes a finding of the existence of domestic violence pursuant to section 13-3601 or if the Court finds by a preponderance of the evidence that there has been a significant history of domestic violence." A.R.S. 25-403.03(A) (emphasis added); *see also DeLuna v. Petitto*, 247 Ariz. 420,423 Paragraph 11 (App. 2019). In order to determine whether Domestic Violence has been "significant," Arizona Courts have often considered three factors, including: (1) the seriousness of the particular incident of Domestic Violence, (2) the frequency or pervasiveness of the domestic violence, and (3) the passage of time and its impact. *Deluna*, 247 Ariz. At 424 Paragraph 15 n.6.

Furthermore, notwithstanding the foregoing, "[I]f the Court determines that a parent … has committed *an act* of domestic violence against the other parent, there is a rebuttable presumption that an award of sole or joint legal decision-making to the parent who committed the act of domestic violence is contrary to the child's best interests." A.R.S. 25-403.03(D)

Evidence of Domestic Violence is contrary to the Child's best interest. A.R.S. 25-403.03(B). Furthermore, courts are directed to consider the safety and well-being of the child and the victim of domestic violence of *primary importance*. A.R.S. 25-403.03(B) (emphasis added)

In addition, where there is domestic violence, there is a rebuttable presumption against the perpetrator that parenting time will endanger the child and/or significantly impair the child's emotional development. A.R.S. 25-403.03(F)

Father intentionally omits the significant misrepresentations and contradictions he has claimed in other Courts from this Court. Father only files documents from the California cases with the Maricopa County Court that benefit Father. Father intentionally omitting his contradictory, dishonest statements in his declarations from other Courts, demonstrates Father's knowledge and deliberate intent to defraud each Court.

Relief Requested

- Mother Respectfully requests this Court Vacate the Temporary Orders this Court entered on February 14, 2023.
- Mother Respectfully requesting this Court immediately grant Mother Sole Legal Decision-Making authority for the parties' minor Child.
- Mother Respectfully requests the Court suspend any Parenting Time between Father and Child until Father completes a significant amount of Mental Health Treatment, Substance Abuse Treatment, Domestic Violence Batterer's Intervention treatment program and any other treatment this Court deems necessary.
- Mother Respectfully requests this Court issue an order protecting Mother and Child from Future abuse by the hands of Father, including legal abuse. Mother is respectfully requesting a no contact order prohibiting Father from Contacting

Mother or Child until Father can obtain the Mental health and substance abuse treatment that Father desperately needs.

- Mother Respectfully requests this Court limit Father's ability to file Emergency or ex-parte motions without substantial evidence of a Verified, Legitimate Emergency. "State judges, as well as federal, have the responsibility to respect and protect persons from violation of federal constitutional rights." *Goss V. State of Illinois, 312 F.2d 257, 259 (7th Cit. 1963)*
- Mother Respectfully requests this Court order Father to pay Mothers attorney's fees for her previous attorney on this case.
- Mother Respectfully requests this Court order Father to pay for Mothers future attorney's fees, Court Costs and expert witness fees due to Father's abhorrent conduct and unreasonable position Father has taken in this case.
- Mother Respectfully requests this Court order Father to pay Mothers moving expenses and security costs due to Fathers acts of abuse causing Mother and Child to move and obtain security to protect themselves.

Mother is requesting the Court issue sanctions for misconduct pursuant to:

1.) **A.R.S. 25-415(A)(1)** Father knowingly presented false claims under section A.R.S. 25-403 and A.R.S. 25-403.03. with knowledge that the claim was false.

2.) **A.R.S. 25-405(A)(2)** Father knowingly accused Mother of making false claims regarding Fathers Domestic Violence and Child abuse with knowledge that Mothers claims were actually true.

3.) **A.R.S. 25-405(B)(1)** Impose additional financial sanctions on behalf of Mother who can demonstrate economic loss directly attributable to Father's misconduct. Mother and Child were forced to move and obtain security to protect themselves from Fathers ongoing, escalating acts of abuse.

4.) **A.R.S. 25-405(B)(3)** Immediately modify legal decision-making and Parenting Time because that modification supports the best interests of the Child. Fathers conduct outlined in this motion is not in the Best Interests of the Child. The Child should remain with Mother where the Child is safe until Father can overcome the rebuttable presumption against placing a Child in the care of their abuser.

5.) **A.R.S. 25-405(D)** The Court may award costs, attorneys fees or impose other sanctions if authorized elsewhere in State or Federal law.

Mother Respectfully requests any other relief this Court finds appropriate given the circumstances.

RESPECTFULLY Submitted on this 18th day of September 2023

Erin Gerlach

COPY of the foregoing e-filed
This 18th day of September 2023

Copies emailed to:

The HONORABLE JUDGE CHARLENE JACKSON
Maricopa County Superior Court
DRJ24@jbazmc.maricopa.gov

Caitlin Andrade
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3133 W. Frye Road, Suite 101
Chandler, AZ 85226
caitlin@novolawyers.com
Attorney for Father

Maricopa County Superior Court
DRJ01@jbazmc.maricopa.gov

The Commission on Judicial Conduct
CommissionJudicialCo@Courts.az.gov

EXHIBIT 1

conformity to that practice and usage of common law. Here, Mother has failed, refused, or neglected to return the minor child to Arizona.

25. Due to his concerns that Mother would flee the State of California upon receipt of the Court's Temporary Order, Father traveled to California with Paternal Grandfather (Gary Freeman) to facilitate the exchange of the minor child through a Civil Standby with the Murrieta Police Department.

> **February 14, 2023** (evening): Paternal Grandfather and Murrieta PD attempt to retrieve the minor child from Mother's current residence. Law enforcement noted three vehicles parked outside the home. No one answered the door. *Incident Report No.* ***MR23-045-122***.
>
> **February 15, 2023** (morning): Paternal Grandfather and Murrieta PD attempt to retrieve the minor child from Mother's current residence. Law enforcement noted two vehicles parked outside the home. No one answered the door. *Incident Report No.* ***MR23-045-143***.
>
> **February 15, 2023** (afternoon/early evening): Paternal Grandfather and Murrieta PD attempt to retrieve the minor child from Mother's current residence. Law enforcement noted three vehicles parked outside the home and heard noises coming from within the residence. No one answered the door.
>
> The attempted exchanges will be documented in **MR23-0786.**

26. On February 15, 2023, undersigned counsel emailed Mother a copy of the Court's Temporary Order and requested that Mother bring the minor child to the Murrieta Police Station on February 16, 2023, between 11:00 a.m. and 12:00 p.m. to effectuate the exchange. *See Exhibit B.* Mother did not respond to undersigned counsel's email or exchange the minor child as requested. Mother's failure to appear will be documented in **MR23-047-079.** Mother's contumacious behavior must be curbed. It is clear that Mother will continue to withhold the minor child from Father, violate this Court's orders and act contrary to the minor child's best interests.

Application for Warrant to Take Physical Custody of the Child

EXHIBIT 2

30. On September 13, 2022, I filed a Motion for Temporary Orders Regarding Legal Decision Making, Parenting Time, and Child Support with the Superior Court of Arizona. Respondent was made aware of the action in Arizona on or about September 13, 2022.

31. On January 24, 2023, the AZ Court conducted an evidentiary hearing. Petitioner fully participated.

32. On February 14, 2023, the Superior Court of Arizona, County of Maricopa filed Temporary Orders. The AZ court awarded me sole legal and physical custody of Brooklyn with supervised visits of up to four hours one time per week. **The Arizona Court found that "the parenting time of Erin Gerlach must be supervised to protect the child's physical, mental or emotional health." Exhibit 3**, Page 4.

33. On February 15, 2023, I contacted the local police department in the City of Murrieta, California (where Petitioner had indicated she was staying in her TRO filings since taking our daughter to California) and provided them the Temporary Orders from Arizona in hopes of retrieving our daughter. *The police made multiple attempts to retrieve our daughter from Petitioner's residence in Murrieta, California.* This is the last known address for Petitioner since she left with our daughter from Arizona in August of 2022. The police department informed me that there was no answer at the door during their attempts to make contact.

34. To ensure the safe return of our daughter given the Petitioner's evasion of law enforcement, my AZ counsel immediately filed a Request for a Warrant to be issued with the Superior Court of Arizona, County of Maricopa to ensure the return of our daughter to me.

35. On February 17, 2023, the AZ Court issued a Warrant to take Physical Custody of Child. **Exhibit 1**.

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EXHIBIT 3

Case Number:
DVHE2206978

6 ☐ **No Travel With Children Without Permission** *(see 6 on form DV-105)*

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested because: _____

c. ☐ I would agree to a different order *(describe the order you would agree to):* _____

7 ☐ **Stop Access to Children's School, Health, and Other Information** *(see 7 on form DV-105)*

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested because: _____

c. ☐ I would agree to a different order *(describe the order you would agree to):* _____

8 ☐ **Request for Orders to Prevent Child Abduction** *(see 4–10 on form DV-108)*

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested because: _____

c. ☐ I would agree to a different order *(describe the order you would agree to):* _____

9 ☒ **Custody of Children** *(see 9 on form DV-105)*

a. ☐ I agree to the order requested.

b. ☒ I do not agree to the order requested because: SEE ATTACHED DECLARATION.

c. ☒ I would agree to a different order:

Legal Custody *(The person that makes decisions about the child's health, education, and welfare.)* *(check one):*

- ☐ Sole to me
- ☐ Sole to person in 1
- ☒ Jointly (shared) by persons in 1 and me.
- ☐ Other *(describe):* _____

Physical Custody *(The person that the child regularly lives with.)* *(check one):*

- ☐ Sole to me
- ☐ Sole to person in 1
- ☒ Jointly (shared) by persons in 1 and me.
- ☐ Other *(describe):* _____

This is not a Court Order.

DV-120 Response to Request for Domestic Violence Restraining Order

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

Do not use this form if you want to ask for your own restraining order. Read form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of Riverside
2/10/2023
A. Rivera
Electronically Filed

Fill in court name and street address:

Superior Court of California, County of
RIVERSIDE
4175 MAIN STREET
SAME
RIVERSIDE, CA 92501
FAMILY LAW BRANCH

Fill in case number:

Case Number:
DVHE2206978

(1) Name of Person Asking for Protection:

(See form DV-100, item (1)):
ERIN GERLACH

(2) Your Name: SHAWN TYLER FREEMAN

(!) Address where you can receive court papers

(This address will be used by the court and by the person in (1) to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: 25240 HANCOCK AVENUE, SUITE 110
City: MURRIETA State: CA Zip: 92562

(!) Your contact information *(optional)*

(The court could use this information to contact you. If you don't want the person in (1) to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

E-Mail Address: ebradford@hghlawyers.com Telephone: (951) 506-6654 Fax: (951) 506-4478

Your lawyer's information *(if you have one)*

Name: ERIK J. BRADFORD, ESQ. State Bar No.: 218323
Firm Name: HANSON, BRADFORD & HANICH

(3) Your Hearing Date (Court Date)

Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

This is not a Court Order.

EXHIBIT 4

COPY

Superior Court of Arizona/AZ007035J/0700 201 W Jefferson Phoenix, AZ 85003

Plaintiff ☐ Employer Plaintiff (Workplace Injunction)	Defendant	Case No
Shawn Freemar	Eric Anna Gerlach	
☐ On behalf of minor/person in need of protection named:	Defendant's address [redacted]	PETITION for ☒ Order of Protection ☐ Injunction Against Harassment ☐ Workplace Injunction
Agent's name (if Workplace Injunction)	Defendant's phone	

This is NOT a court order.

This petition contains Plaintiff's allegations and requests. To see what the court has ordered, see "Order" form.

DIRECTIONS Please read the Plaintiff's Guide Sheet before filling out this form.

1. **Defendant/Plaintiff Relationship** (relationship between Defendant and person in need of protection listed above)

☐ Married (past or present)
☐ Lived/lived together as intimate partners
☐ Romantic or sexual relationship (past or present)
☒ Parent of a child in common
☐ One party is pregnant by the other

☐ Related as parent, grandparent, child, grandchild, brother, sister, or in-law
☐ Lived together but not as intimate partners
☐ Dating but not romantic or sexual
☐ Other:

2. Plaintiff/Defendant and I have a pending action involving marriage, paternity, annulment, legal separation, dissolution, custody, parenting time, or support in Court, Superior Court Case #

3. Name of court, if any, in which any other protective order related to this conduct has been filed (City, name Case #

(Continue to next page)

EXHIBIT 5

12. Father is the natural or adoptive parent of **Brooklyn Jordan Freeman**, and Father has a duty to support the child pursuant to A.R.S. § 25-501.

13. Mother is the natural or adoptive parent of **Brooklyn Jordan Freeman**, and Mother has a duty to support the child pursuant to A.R.S. § 25-501.

14. Father does not have any information regarding any other legal decision making or parenting time court proceedings relating to the minor child of the parties named above that is *currently pending*.

15. Father does not know of any other person other than Mother and Father who has physical custody or claims custody or visitation rights to the minor child named above.

16. The parties should be ordered to apportion and divide between themselves any uninsured medical, dental, vision or healthcare expenses reasonably incurred for the minor child in proportion to their respective incomes.

17. Father is unaware if Mother has been convicted of a drug offenses or driving under the influence of drugs or alcohol in the last twelve months.

18. The parties' romantic relationship was tumultuous and ended on July 29, 2022. Father acknowledges the parties engaged in heated verbal discussions. On occasion, while using his training as a law enforcement officer, would deescalate argument by physically assisting Mother so that he could exit the room or residence (i.e., moved Mother from blocking exits or barricading Father in a room/residence). In stark contrast, Mother has a significant history of physically attacking Father or becoming overly violent as outlined below.

19. Mother suffers from an array of medical issues that require significant intervention and oversight. Based on information and belief, Mother went to California

EXHIBIT 6

Supplement

DR# 230221145 WRITTEN BY: S. WHITMORE
#2680

CASE TYPE:
Supplement

ATTACHMENTS:
Email from Erin (1)

EVIDENCE LIST:
Email Screenshots (40)
Photos and Videos (169)

SUBPOENA LIST:
VICTIM #1 ERIN GERLACH
[redacted]
AVONDALE, AZ 85323
[redacted]

[redacted]

NARRATIVE:
During Erin's report she recalled various incidents that took place over the length of their relationship. All photos, videos, emails and recordings have been uploaded onto DigitalEvidenceOnQ.

She never reported any incidents in the past because [redacted] threatened her and intimidated her in various ways including explaining that he knew how to hide dead bodies. She also had a mistrust of Law Enforcement considering [redacted] profession and assumed he would be protected. She explained that [redacted] had previously been reported to his agency at Mesa PD and may have been under multiple IAs involving previous girlfriends and domestic violence.

Erin emailed multiple videos of her and [redacted] locked in the bathroom hiding from [redacted] Erin hid repeatedly in bathrooms from [redacted] with [redacted] because she
was afraid of him and his unpredictability. These included:

A video from 4/19, captures [redacted] yelling and Erin asking him to stop breaking things and saying she's tired of fearing for her safety.

A pair of videos from 7/14/19 where [redacted] was described to be drinking heavily and being disorderly within the home. [redacted] became upset and was crying and [redacted] stumbled towards her so Erin ran ahead of him to grab her. [redacted] tried to grab them so they hid in the bathroom. While in the bathroom, [redacted] threw Erin and [redacted] things on the floor in the garage. Photos are included of the garage.

One video from approximately 7/19, captures [redacted] yelling and breaking objects

in the home while they hid.

Another video from 7/19, captures [redacted] yelling, "fucking kill me" and telling someone they are a "piece of shit human".

Another from 7/19, [redacted] and Erin yelling at each other through the door. Erin explained this incident involved her and [redacted] running from [redacted] after he tried smothering [redacted] because she was crying. [redacted] made statements including she should kill herself, "fuck you for ever coming into my life", and "fuck you for giving birth to her". She stated that they hid in the bathroom because the front door was blocked, the back door had multiple locks that prevented quick exit, and the garage door was blocked.

8/2/19 shows [redacted] calling someone a "crazy cunt".

Erin provided multiple photos of the physical abuse she sustained from [redacted] during their relationship. There are multiple photos of severe bruising to her arms, back, chest, legs and ribs. Erin also provided photos of her black eyes caused by [redacted] [redacted] reportedly held a pillow over her face with his body weight. She was kicked out of the house that night and slept in the parking lot of a hospital. Erin said she slept in a hospital parking lot more than once in case she absolutely needed medical attention. She was afraid to seek aid because of fear of getting [redacted] in trouble.

Erin described an incident from Easter on 4/21/19 where [redacted] became upset over [redacted] spilling finger paint while she was preparing things for Easter. [redacted] dragged her by the arm from the bedroom to the living room and slammed her down on the floor. [redacted] then grabbed her by the ponytail and dragged her through the spilled paint. [redacted] was in the room while [redacted] dragged her around. Erin provided photos of the paint on her body and bruising on her arms.

On 9/3/19, Erin and [redacted] were in a disagreement and [redacted] grabbed her by the hair while she was holding [redacted] Erin ended up dropping [redacted] causing Erin to scream at him to stay away. Erin shared a video showing [redacted] walking towards her while holding [redacted] while she repeatedly asks him to stay away until she gets outside. [redacted] puts his hands behind his back but continues to walk towards them. After this, Erin took [redacted] to California to get away for a while.

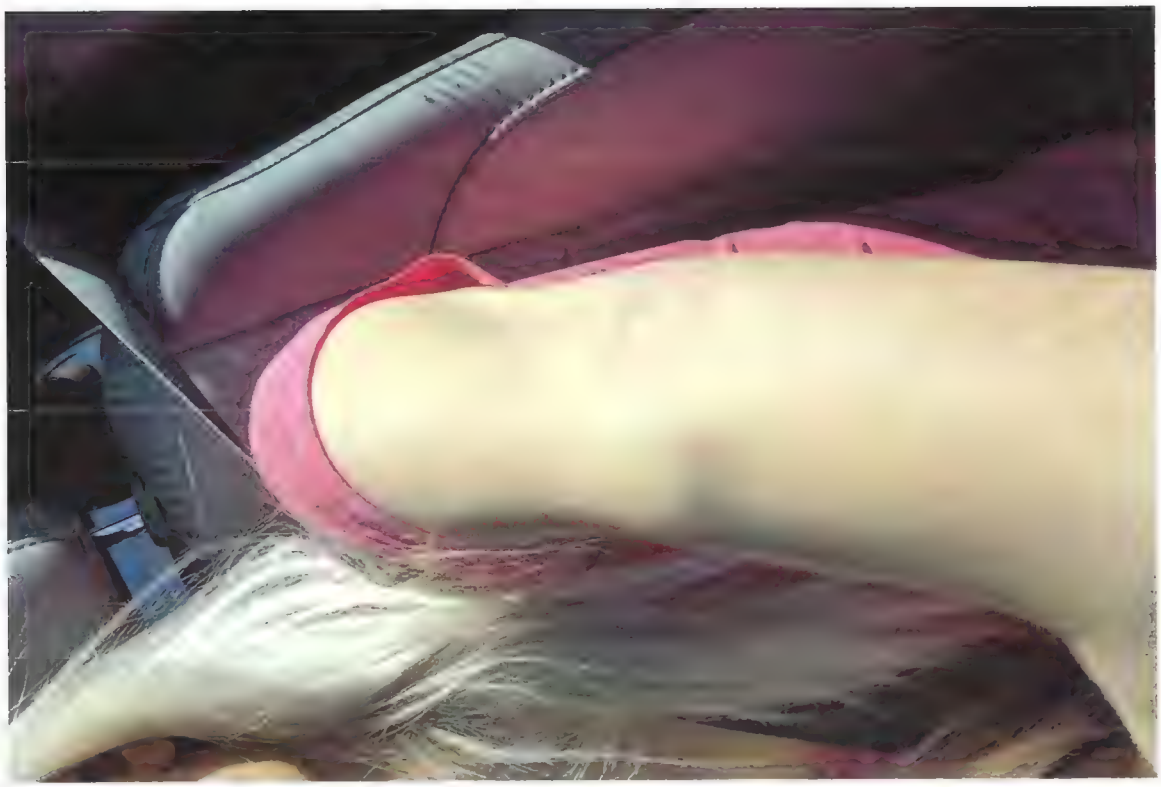
On 4/7/20, [redacted] came home from golfing and drinking. He threw [redacted] toys across the room and was confrontational with Erin while she held [redacted] Erin threatened to call 911 if he continued and provided a video showing [redacted] daring her to call 911.

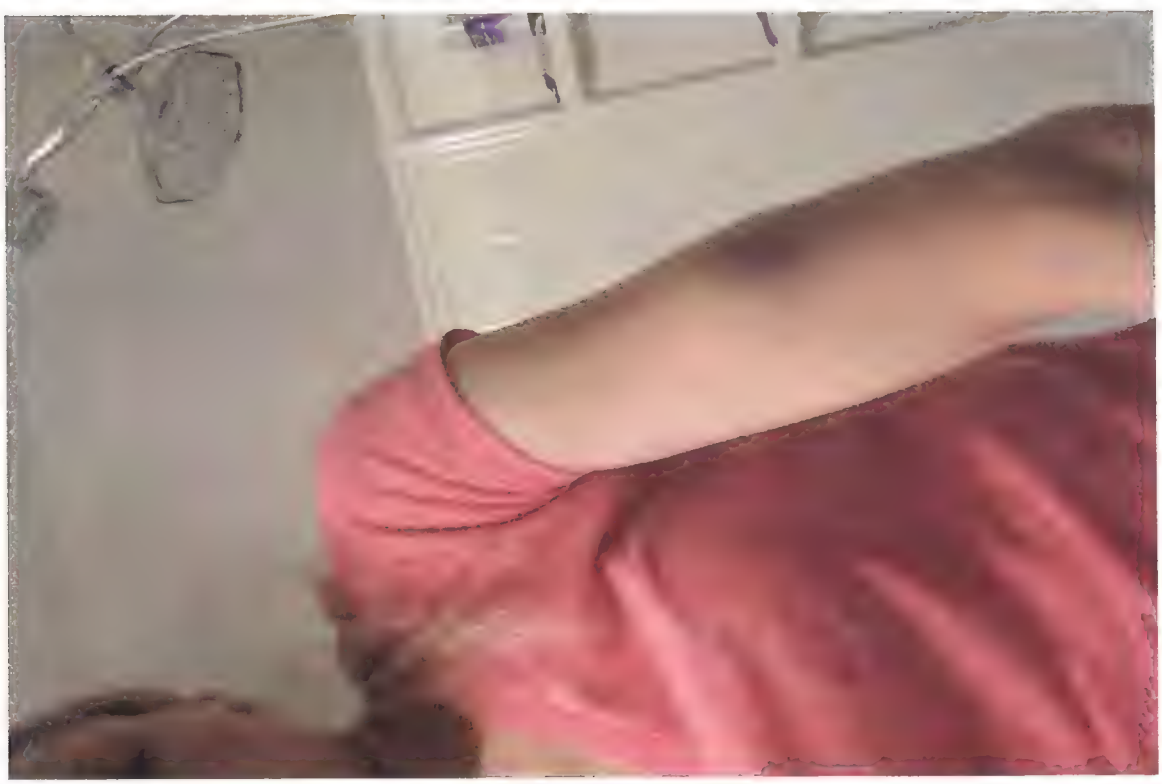
On 4/14/20, [redacted] broke a plastic cutting board by slamming it on the kitchen counter because Erin would not press garlic for a cooking recipe. She explained that he would use intimidation tactics like this repeatedly. On this particular occasion [redacted] was said to have immediately calmed down after realizing he was being filmed.

She recalled a specific incident around Father's Day in 2021 where [redacted] had become too rough and choked her while she performed oral sex on him. She said that she repeatedly tried to pull away from him and he would force her mouth on his penis. [redacted] was in the room while this occurred. She provided photos of bleeding and bruising inside of her mouth.

Erin explained that [redacted] was frequently a victim of [redacted] behavior and would be hit by things that [redacted] would break or he would directly throw at

EXHIBIT 7





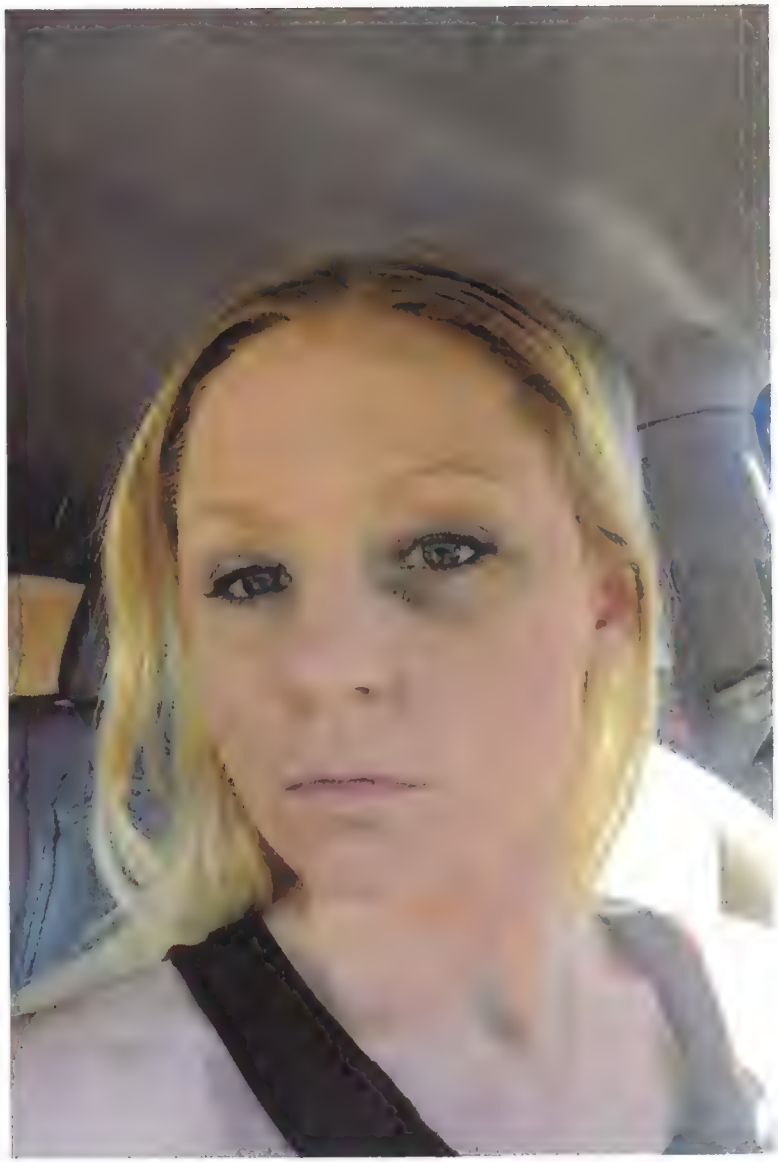


EXHIBIT 8

them. She described the following incidents:

On 8/11/19, [redacted] threw a sausage at them and she provided photos of mustard and food covering [redacted] chest and face. This incident began because [redacted] felt that Erin was whining when explaining that [redacted] was not feeling well. She also provided photos of [redacted] giving her the middle finger and appearing to be very angry.

On 9/10/19, Erin said [redacted] got frustrated with [redacted] and spanked her so hard that there were red marks across her buttocks. [redacted] was wearing a diaper when she was hit and the marks remained some time later. Erin provided photos.

From 2020, Erin provided photos of [redacted] after being hit by objects [redacted] threw at her. In the photos you can see [redacted] to have a swollen and bloody lip and redness and blood coming from her nose.

Erin provided photos from 2020 that show damage to the walls and an interior door from [redacted] repeated slamming of the door. The photos show holes that appear to be from the door handle hitting the wall.

The reason this information has come up is because she is in the process of getting a permanent restraining order against [redacted] and has only been able to get temporary Orders of Protection so far. She also attempted to move on from the past and get away to California where she has seen [redacted] driving by her parents home. She does not feel like she can just get away and move on at this point without legal help.

Dissemination is restricted to Criminal Justice Agencies
And authorized Non-C.J. Agencies ONLY Secondary
Dissemination to unauthorized agencies is PROHIBITED.
PINAL COUNTY SHERIFF'S OFFICE
DATE : Mar 21 2023
Rel/By: DF #1652
Rel/to: DISTRIBUTION
ID#: 230221145

REDACTION LOG:
PERSONAL IDENTIFIERS

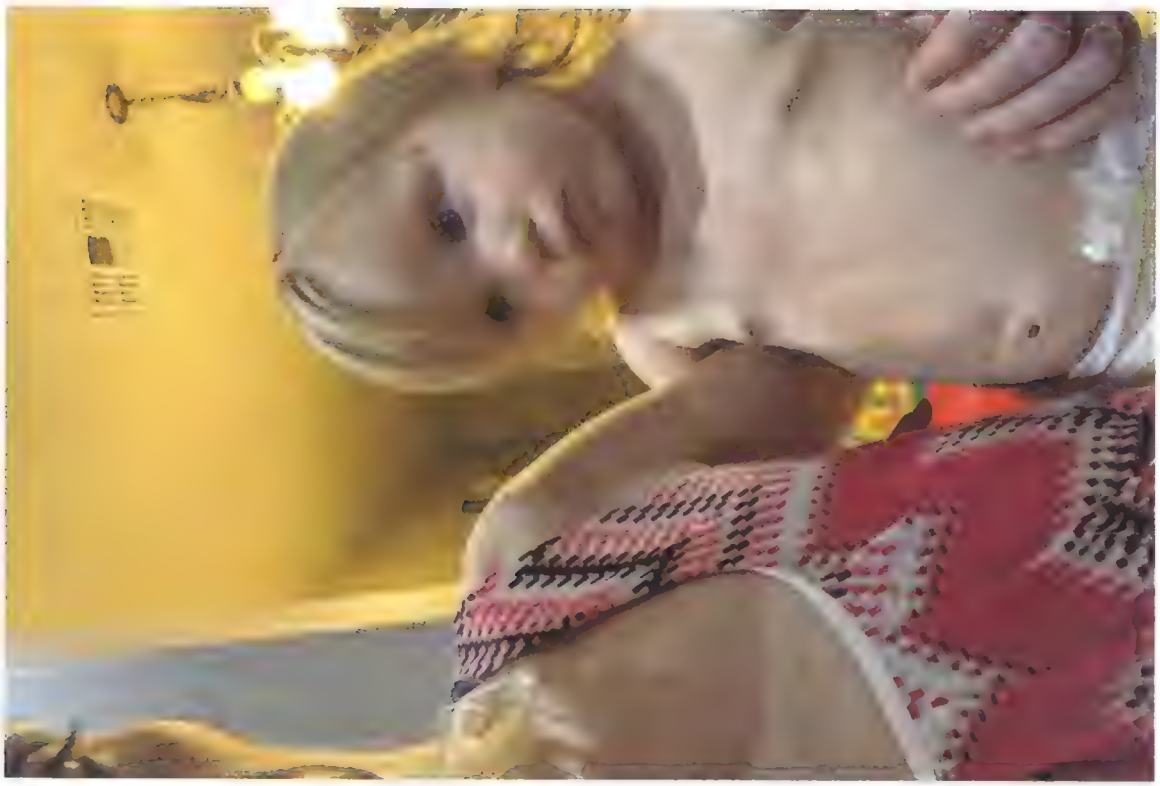


EXHIBIT 9

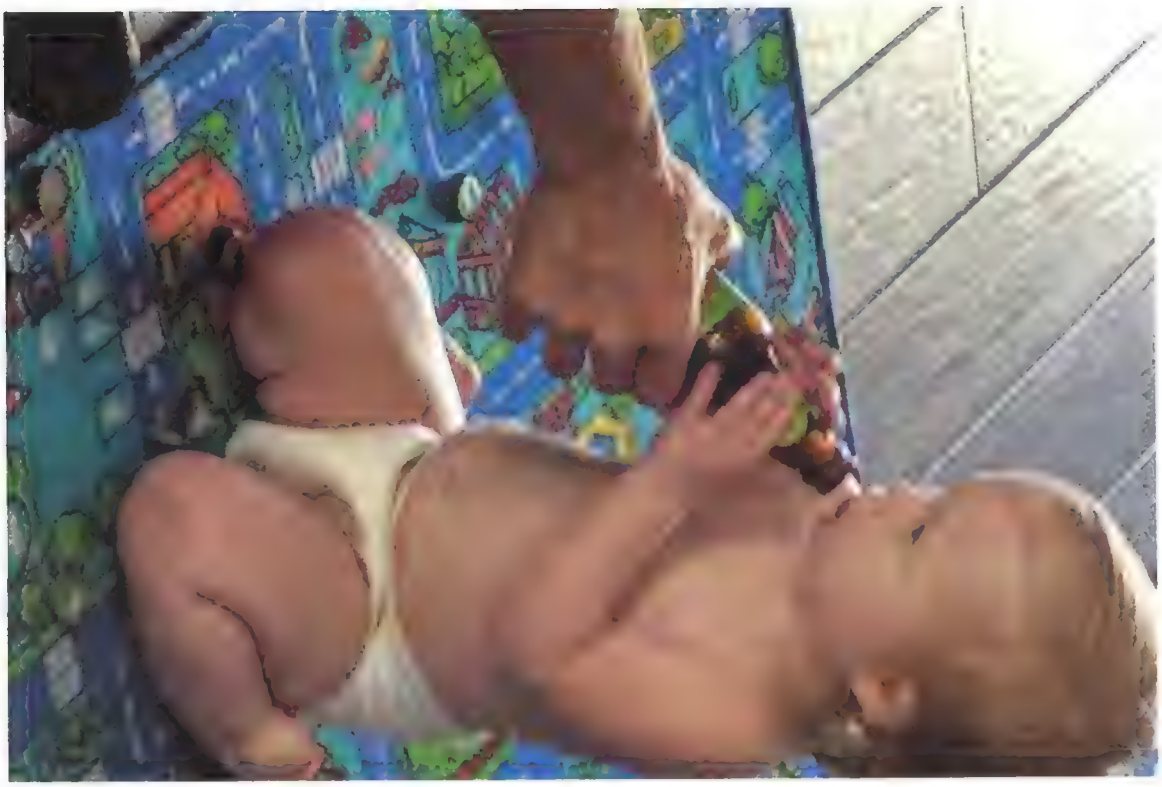
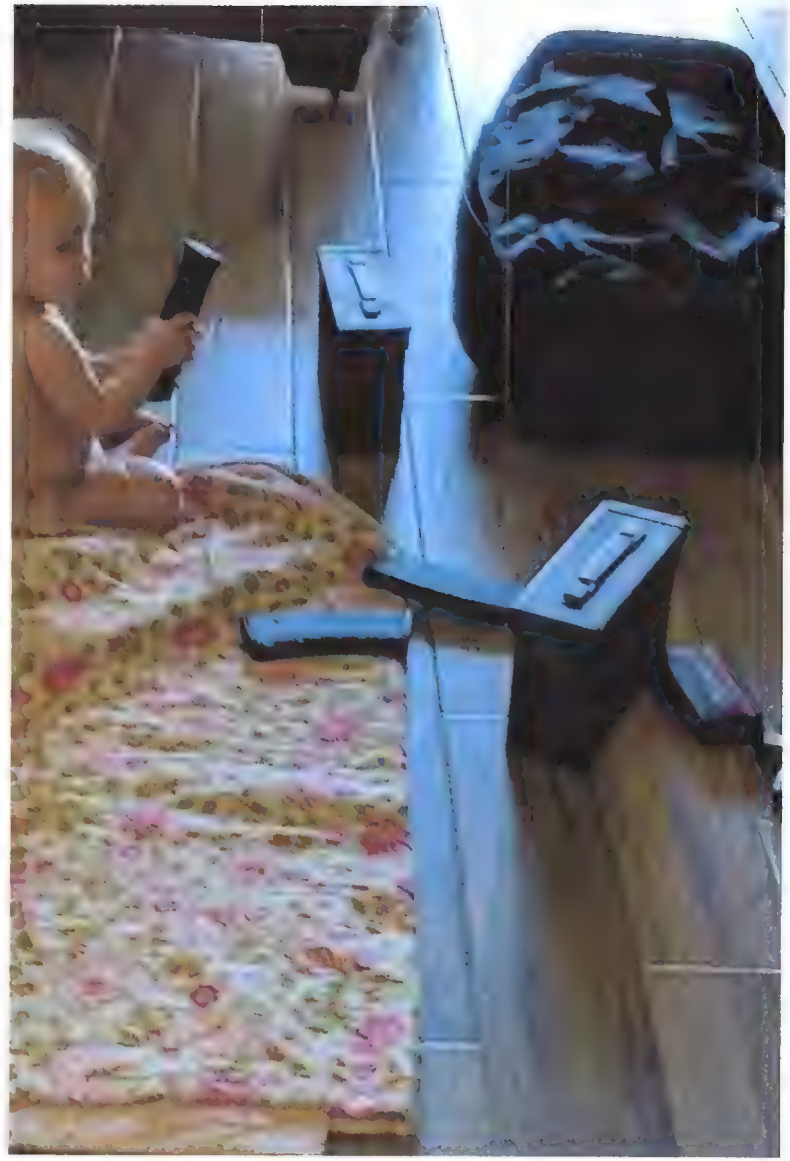


EXHIBIT 10

EXHIBIT 10



MESA
ARIZONA

EXHIBIT 11

Narrative Text

Type CASE NARRATIVE/SUPPLEMENT
Subject Case Narrative/Supplement
Author 6247 - HENSLEE, M.
Related Date Aug-25-2022 1:29

Narrative
BWC Used: YES Axon Capture Used: NO
Axon Digital Used (link sent or data uploaded): YES
CIR Completed by this Officer: NO
DCS/APS Notification Made: NO Attachments: NO
Officer / Detective Name: HENSLEE, M. 6247
Narrative: 08-24-2022

On 08/24/22 at approximately 1634 hours, Shawn Freeman contacted the Gilbert Police Department to report an incident of harassment with is ex girlfriend named Erin Pondo.

I contacted Shawn by phone. Shawn informed me his relationship with his girlfriend Erin Pondo recently ended and Erin moved to California with their child in common. The two of them were never married but lived together at his listed address in Gilbert, Arizona. He advised he has been in communications with her via email and text message. He advised Erin possibly suffers from mental illness. Shawn was recently involved in a serious incident at his place of employment and he informed her about the incident. He advised he was planning on visiting Erin and their daughter in California when she became confrontational over text message. In the messages she threatened to have is career ruined by posting videos she took of him during arguments on a "TikTok" social media account made in his name and displaying his photo. She sent him a screenshot image of the account featuring his photo and name. The account

"Handle" was "[redacted]". She advised she would post an new video every

12 hours. In the messages she advised she would follow all of his and coworkers so they would see the videos she posts of him.

I sent Shawn a citizen link to evidence.com where he uploaded images of the text messages she sent to him which include images of the fictitious social media account.

I attempted to locate the social media account on "TikTok" without success. I submitted a preservation request to "TikTok", through their online portal, to preserve all information related to this account.

for medical treatment on August 6, 2022 (specifically, brain surgery on August 16, 2022). Mother took the minor child with her with the understanding that the trip to California was temporary in nature.

20. On August 8, 2022 Mother told Father she indeed to "start over" in California with the parties' minor child. Father objected to Mother's plan to and insisted that Mother return the minor child to Arizona.

22. Also on August 8, 2022, Mother sent Father a salacious message about her sexual activities with her new, current significant other. Recently, Mother advised Father of her upcoming marriage to her current significant other—less than eight (8) weeks after the parties terminated their relationship. Over Labor Day Weekend, Mother informed Father that the wedding was called off.

23. Prior to August 16, 2022, as Mother's first surgical procedure approached, Mother told Father that she going to return to Arizona to look for homes and attend a medical appointment in the Valley.

24. Prior to August 20, 2022, Father informed Mother of his intention to come to California and visit the minor child. Initially, Mother did not object to Father's proposal.

25. On August 20, 2022, Mother permitted the minor child to call Father. During the course of the call, Mother interrupted Father's telephonic access with the minor child. Father disengaged from the high conflict situation and terminated the call. Mother proceeded to repeatedly call. Father eventually answered Mother's call and quickly identified she was exhibiting manic behavior. Father asked Mother to take a stop repeatedly calling him and to take her medication in an effort to reduce the conflict. Mother continued to talk over Father. Paternal Uncle attempted to intervene but was

EXHIBIT 12

unable to resolve the conflict. Mother alleged that the minor child was present and overheard the argument and accused Father of scaring the child.

26. On August 21, 2022, while on duty, Father was in an officer involved shooting (OIS). Father promptly disclosed the incident to Mother via text. However, Father learned that Mother blocked his phone number, changed her number and emailed Father regarding the OIS after learning about the incident. Mother informed Father that if he traveled to California to see the minor child Mother would obtain and serve Father with an Order of Protection.

27. On the morning of August 24, 2022, Mother begins repeatedly texting Father. Mother informs Father that she is creating a fake instagram ("finsta") under Father's name and will release video recordings of Father until she successfully ruins Father's career and life. Father reported the incident to his employer (Mesa PD) and filed a Police Report with Gilbert Police Department (Report No. 22-85233, identity theft and harassment). Father obtained an Order of Protection against Mother on August 31, 2022 (*see FC2022-005502).*

28. On the evening of August 24, 2022, at 8:35 p.m. Mother texted Father the following:

Verizon
7:44 PM
75%
I don't think I can do this anymore. It's been the lowest day of my life. I think I'm done
And I can't even talk to you about it because you have a big mouth and can't keep anything to yourself and can't stop constantly shoving things in my face. It's very fucked up I can't even talk to you and I knew better than to tell you what was going on before. This is really bad
I'm probably coming soon I train the 7th and leaving her with you permanently
I'm not telling her or anyone else
Hopefully you can do a better job than I couldn't

EXHIBIT 13

General Offense Information

Operational Status INACTIVE - NO PROSECUTION DESIRED/NO PC FOR ARREST
Reported On AUG-24-2022 1834
Occurred On AUG-24-2022 1834
Approved On AUG-31-2022 (WED.)
Approved By 4747 - O'HAIR, M.
Report Submitted By 6247 - HENSLEE, M.
Org Unit PATROL TEAM 06
Address 128 W CAMPBELL CT
Municipality GILBERT
District CNTRL **Beat** 12 **Grid** C06
Value Loss $0.00
Family Violence NO
Cargo Theft NO

DVLA

DVLA DV - NO LETHALITY ASSESSMENT REQUIRED

Offenses (Completed/Attempted)

Offense # 1 13C-1 THREATS - COMPLETED
Statute 13-2916A INTIMIDATE/THREATEN/HARASS WITH ELECTRONIC COMMUNICATION - DV - (M)
Location RESIDENCE/HOME
Suspected Of Using NOT APPLICABLE
Bias NONE (NO BIAS)

Offense # 2 26F-1 IDENTITY THEFT - COMPLETED
Location RESIDENCE/HOME
Suspected Of Using NOT APPLICABLE
Bias NONE (NO BIAS)

Narrative Text

Type CASE NARRATIVE/SUPPLEMENT
Subject Case Narrative/Supplement
Author 3348 - WOOD, C.
Related Date Jan-31-2023 11:00

Narrative

BWC Used: NO
Axon Capture Used: NO
Axon Digital Used (link sent or data uploaded): NO
CIR Completed by this Officer: NO
DCS/APS Notification Made: NO
Attachments: NO
Officer / Detective Name: WOOD, C. 3348
Narrative: 01-31-2023

On 1/31/23 I contacted Shawn Freeman by telephone, and I let him know the case would be cleared inactive. No charges will be filed on any involved parties.

EXHIBIT 14

Narrative Text

Type CASE NARRATIVE/SUPPLEMENT
Subject Case Narrative/Supplement
Author 6247 - HENSLEE, M.
Related Date Sep-08-2022 23:39

Narrative
BWC Used: YES Axon Capture Used: NO
Axon Digital Used (link sent or data uploaded): YES
CIR Completed by this Officer: NO
DCS/APS Notification Made: NO Attachments: NO
Officer / Detective Name: HENSLEE, M. 6247
Narrative: 09-08-2022

On 09/08/22 at approximately 2107 hours, Shawn Freeman called the Gilbert Police Department to report additional videos posted to the fictitious TikTok account.

I contacted Shawn by phone. He informed me he obtained an order of protection against Erin and advised it may have been attempted served by Riverside County

Sheriff's Office. Shawn had contacted RCSO who informed him the OOP had not yet been served.

Shawn advised today at approximately 2040 hours, he received a text message from Erin advising him she was posting videos to the social media account. At approximately 2116 hours he received additional messages informing him 2 additional videos had been posted to the account.

Shawn screen recorded the messages. I sent him a citizen link to evidence.com for him to upload the screen recording of the messages sent today by Erin.

This incident is a continuation of the original incident.

Nothing further at this time.

EXHIBIT 15

29. Following the birth of the parties' daughter, Mother began suffering from a myriad of medical issues (physically and mentally) that typically manifested in Mother becoming violent and either assaulting Father or destroying property.

a. In April 2018, Mother threatened to take the parties' daughter to California and deprive Father of ever seeing her again.

b. Following the birth of the child, Mother threatened to abandon the child or made non-specific suicidal ideations.

c. September 2018, Mother gives birth to stillborn child. Mother was hospitalized. Once discharged, Mother experienced significant challenges and became easily enraged. During the fits of rage, Mother would throw and break personal property without discretion or concern.

d. Thanksgiving 2018 Mother continued to be unable to manage her emotions and targeted the parties infant daughter. Following the incident, Father pushed for Mother to seek medical intervention.

e. Between December 2018 through December 2019, Mother continues to threaten to leave Arizona and take the child.

f. August 2019, Mother strikes Father across the face.

g. While over the Christmas holiday in California, Mother began strangling Father while he was holding the minor child. Mother's family intervened and called enforcement (Riverside Police Department). Father left mid-holiday and obtained an Order of Protection (J1109PO201900297) against Mother. The parties eventually reconciled once Mother and the child returned from California and the protective order was not served.

h. Between January 2020 and July 2022 Mother's erratic and violent behavior continued. Mother continues to threaten to runway with the child, to abandon the child and to make suicidal ideations.

i. In April 2020, Mother is diagnosed with Sheehan Syndrome but treatment and oversight is interrupted and delayed by the COVID19 pandemic.

j. July 2022, Mother is diagnosed with a tumor on her pituitary gland (later to be determined an inoperable cyst.

EXHIBIT 16

Supplement

DR# 230221145 WRITTEN BY: S. WHITMORE
#2680

CASE TYPE:
Supplement

ATTACHMENTS:
Email from Erin (1)

EVIDENCE LIST:
Email Screenshots (40)
Photos and Videos (169)

SUBPOENA LIST:
VICTIM #1 ERIN GERLACH
[redacted]
AVONDALE, AZ 85323
[redacted]

[redacted]

NARRATIVE:
During Erin's report she recalled various incidents that took place over the length of their relationship. All photos, videos, emails and recordings have been uploaded onto DigitalEvidenceOnQ.

She never reported any incidents in the past because [redacted] threatened her and intimidated her in various ways including explaining that he knew how to hide dead bodies. She also had a mistrust of Law Enforcement considering [redacted] profession and assumed he would be protected. She explained that [redacted] had previously been reported to his agency at Mesa PD and may have been under multiple IAs involving previous girlfriends and domestic violence.

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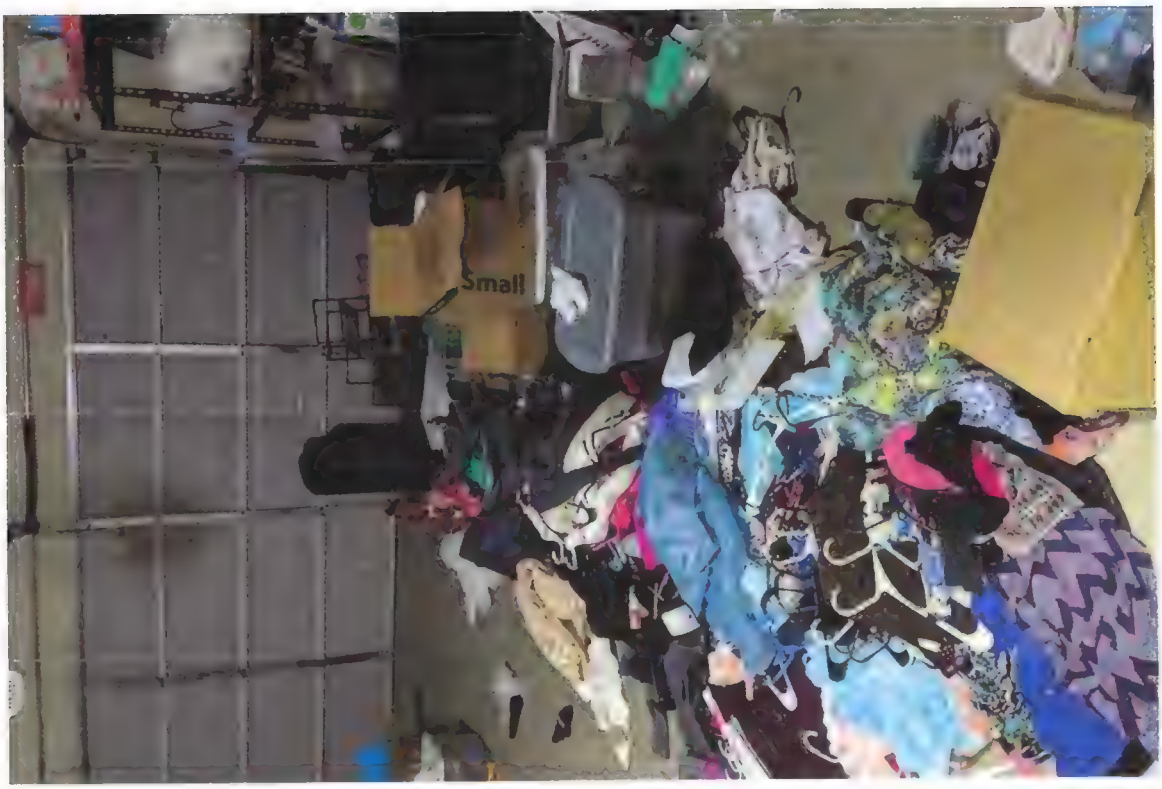
One video from approximately 7/19, captures [redacted] yelling and breaking objects

EXHIBIT 17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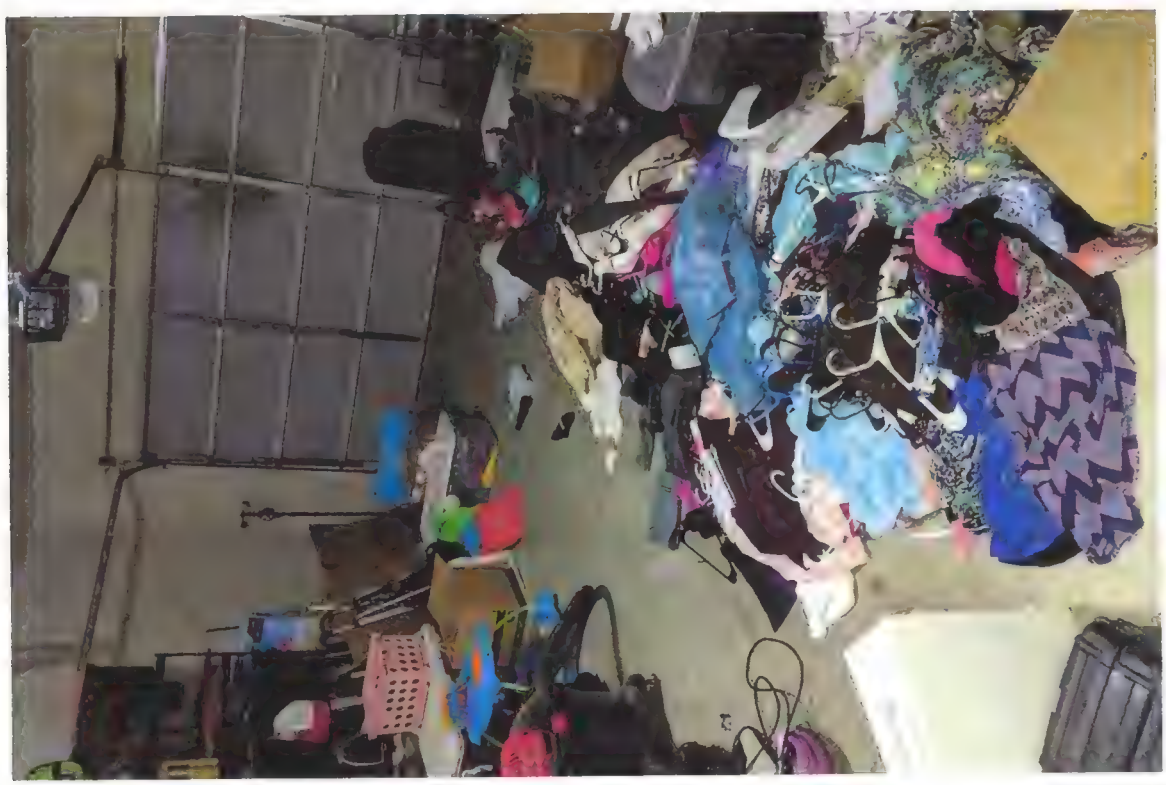
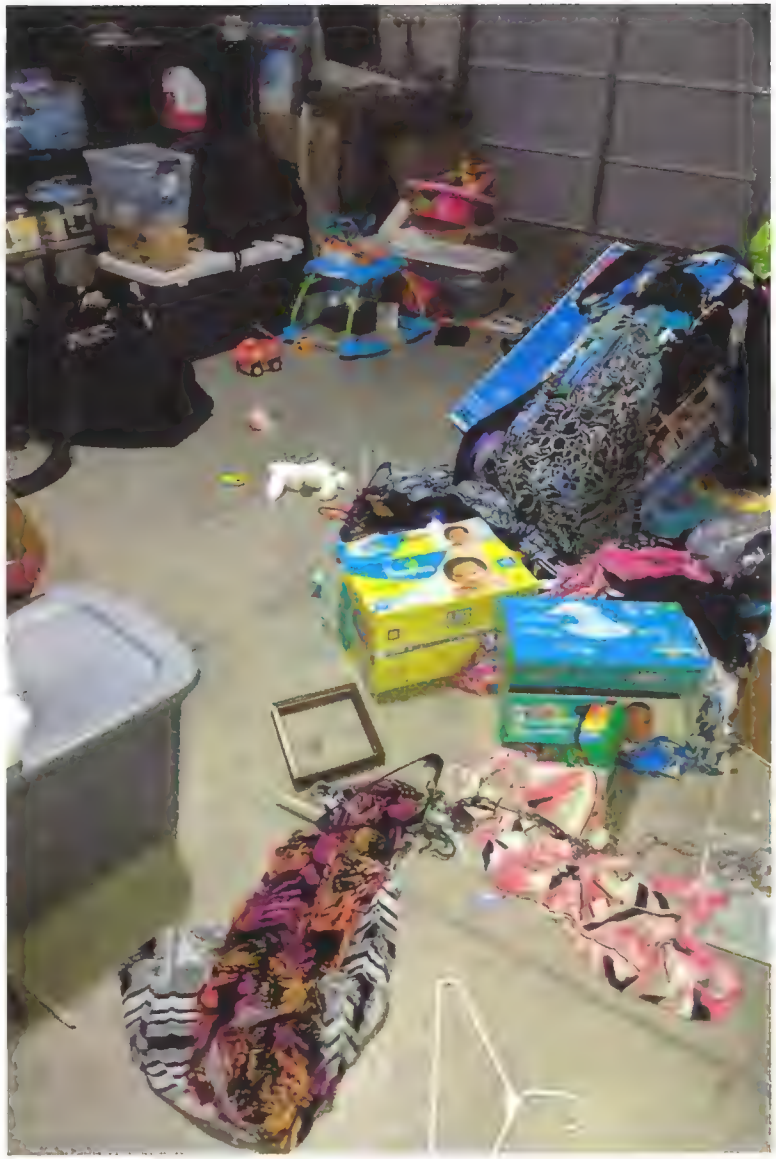




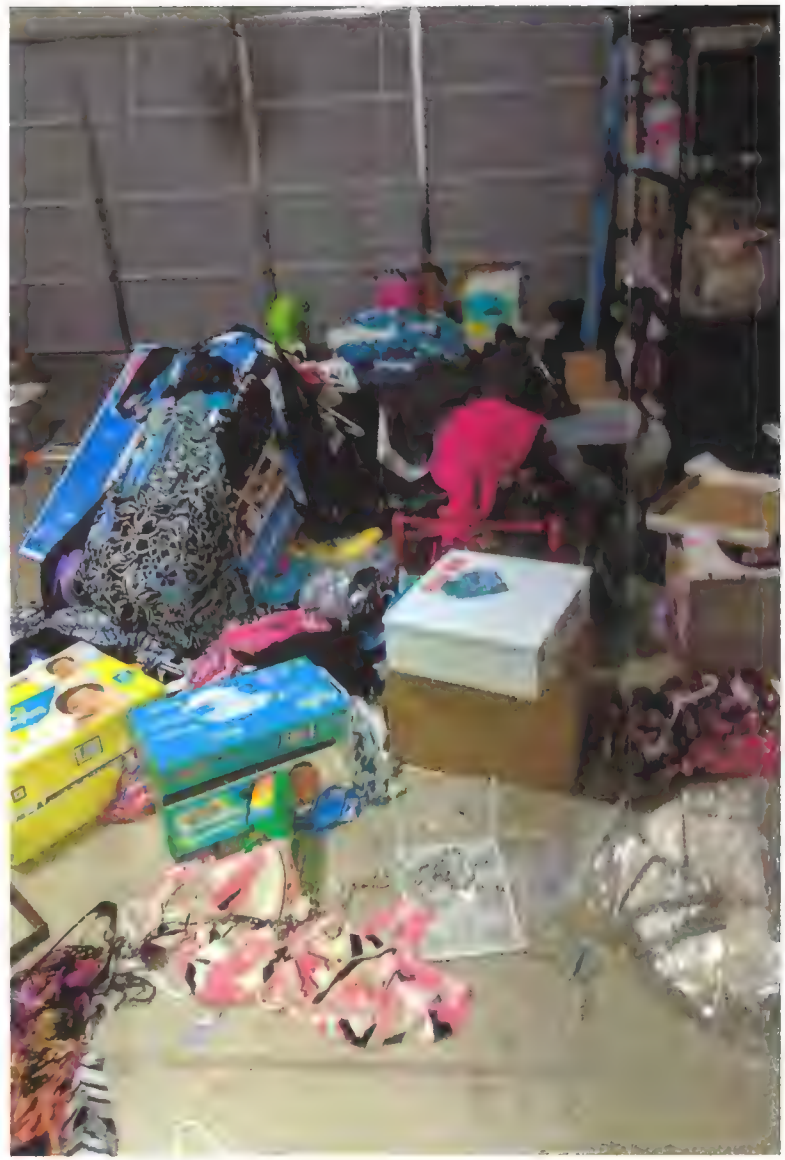


EXHIBIT 18

29. Following the birth of the parties' daughter, Mother began suffering from a myriad of medical issues (physically and mentally) that typically manifested in Mother becoming violent and either assaulting Father or destroying property.

a. In April 2018, Mother threatened to take the parties' daughter to California and deprive Father of ever seeing her again.

b. Following the birth of the child, Mother threatened to abandon the child or made non-specific suicidal ideations.

c. September 2018, Mother gives birth to stillborn child. Mother was hospitalized. Once discharged, Mother experienced significant challenges and became easily enraged. During the fits of rage, Mother would throw and break personal property without discretion or concern.

d. Thanksgiving 2018 Mother continued to be unable to manage her emotions and targeted the parties infant daughter. Following the incident, Father pushed for Mother to seek medical intervention.

e. Between December 2018 through December 2019, Mother continues to threaten to leave Arizona and take the child.

f. August 2019, Mother strikes Father across the face.

g. While over the Christmas holiday in California, Mother began strangling Father while he was holding the minor child. Mother's family intervened and called enforcement (Riverside Police Department). Father left mid-holiday and obtained an Order of Protection (J1109PO201900297) against Mother. The parties eventually reconciled once Mother and the child returned from California and the protective order was not served.

h. Between January 2020 and July 2022 Mother's erratic and violent behavior continued. Mother continues to threaten to runway with the child, to abandon the child and to make suicidal ideations.

i. In April 2020, Mother is diagnosed with Sheehan Syndrome but treatment and oversight is interrupted and delayed by the COVID19 pandemic.

j. July 2022, Mother is diagnosed with a tumor on her pituitary gland (later to be determined an inoperable cyst.

EXHIBIT 19

BODY WORN CAMERA

My body worn camera was worn and operated during my interviews of this incident. Based on the lack of criminal prosecution the video was not booked into evidence but will be downloaded and retained in the department server pursuant to the digital media policy.

ATTACHMENTS

- Still photographs of male half, Shawn Tyler Freeman.

DETAILS

On 12/29/19 at 0740 hours, while working uniform patrol, I was dispatched to 32891 Valentino Way, in the city of Temecula, county of Riverside; reference a domestic disturbance. The reporting party, Susan "Thompson" Warren, advised dispatch her daughter's juvenile's father was verbal, holding his two-year old daughter and was pulling her daughter's hair, Erin "Gerlach". The subject, Shawn Freeman, is a police officer in Arizona and dealing with metal health issues from high profile cases. Freeman had been visiting from Arizona but was asked to leave several times because he was acting strange.

At 0747 hours, Deputy Wambaugh and I arrived on scene and detained Freeman inside the residence in an upstairs bedroom. Freeman was very cooperative with us. I asked Freeman to step outside so we could speak, and he agreed, and this is a summary of his statement.

Erin Pondo and Freeman have been living together in Arizona for several years and have a two-year-old daughter together. Pondo and their daughter drove to CA to visit her family for Christmas and he flew in a few days later. They were planning on driving back to AZ together that morning when they began arguing because Freeman felt Pondo was going to want to stay in CA with their daughter.

Pondo has traveled to CA on numerous occasions to visit family and for medical appointments and Freeman has had no issues with it; however, he became concerned Pondo would try to keep their daughter in CA. Freeman had not felt welcome in Pondo's parent's home advising there had been tension and her family had been ganging up on him over the visit.

Freeman told Pondo he would drive himself and their daughter home to AZ and she could follow when she was ready. Freeman picked up their daughter and Pondo than choked him with both hands.

Freeman refused medical treatment and had no marks on his neck. Freeman advised he did not desired prosecution but had questions regarding child custody in CA when the parents were not married. Freeman was concerned he had no rights as a parent if they stayed in CA. Freeman advised Pondo's father was an attorney and was concerned they would keep his daughter from him.

I spoke to the Pondo's father, Winston Warren, in the living room of the residence and this is a summary of his statement.

Winston and his wife, Susan Winston, where woken up by Freeman and Pondo yelling at one another. Warren and Susan opened their bedroom door and saw Pondo standing in the hallway while Freeman was

in their bedroom. Warren heard Freeman say your choking me, but Pondo was no where near Freeman. Warren advised he did not see a physical altercation between them only heard yelling. Warren said there was some hair pulling a few days prior but would not elaborate.

Deputy Wambuagh spoke to Pondo and Susan who both advised there was no physical altercation. Both advised Pondo was in the hallway when Freeman made the statement Pondo was choking him. Both advised Freeman was under a lot of pressure at work and were concerned about him.

I spoke to Freeman again and he was not a danger to himself or anyone else, was not intoxicated or under the influence of a controlled substance. Freemen requested I transport him to a locale coffee shop to wait for a ride to the airport.

Due to the lack of physical evidence, conflicting statements, and no desire for prosecution this report is for documentation purposes only.

CASE STATUS

Open/Suspended.

EXHIBIT 20

DAILY DISPATCH REGISTER OF ACTIONS

INCIDENT NUMBER: TE-193630025 PRI: 2 NOI: 415DV UNIT/OFFICER:2TE70 /4929
LOCATION: 32891 VALENTINO WY, TEM (X REGINA)

ENTERED: 12-29-2019 07:39:03 BY: N5013 AT: 045
DISPATCHED: 12-29-2019 07:40:04 BY: N3028 AT: 005
ARRIVED: 12-29-2019 07:47:08 BY: 4929 AT: 998
CLOSED: 12-29-2019 08:42:06 BY: 4929 AT: 998 CLOSED EDP: 24D5M
RP NAME: SUSAN THOMPSON ADDR:
RP PHONE: 3104996813 911 TIME: 12-29-2019 07:39:03
CLOSE AGCY: TE REPORTING DISTRICT: 910T DR: TE-193630025

TIME	OPER	ACTION	TEXT
12-29-2019			
07:39:03	045		/NEAR: TB 979 G3 AND 32979 REGINA DR'TEM E/ RPS DAUGHS JUVS FATHER AT LOC VERB W
07:39:03	045		ITH DAUGH AND IS HOLDING 2 YR OLD JUV SC REAMING /HE WAS PULLING RPS DAUGH
07:40:04	005	DISP	2TE70-R
07:40:09	005	DISP	2TE69
07:40:10	998	MDTACK	2TE70
07:40:11	998	MDTACK	2TE69
07:40:17	045	TEXTF	BY HER HAIR // NEG INJURIES // SUBJ IS S HAWN FREEMAN WMA 32YRS 12???? 506 MED L
07:40:17	045	TEXTF	SW UNK // SUBJ IS 1035 MESA ARIZONA/ UNK IF HE IS ARMED
07:40:44	005	REMARK	TE130 COPIED
07:41:27	045	TEXTF	RP ADVD SHE CANNOT GET CLOSE TO HIM / TH E JUV IS CRYING HYSTERICALLY / SUBJ HAS
07:41:27	045	TEXTF	MENTAL ISSUES / HE IS SEEING A PSYCHIAT RIST REF HIGH PROFILE CASES HE WAS
07:41:30	045	TEXTF	INVOLVED IN
07:43:14	045	TEXTF	NEG DK CODEN TODAY // DAUGH IS ERIN GERL ACH WFA 31YRS 101488 506 120 LSW PINK R
07:43:14	045	TEXTF	OBE/ SUBJ CAME TO VISIT AND HAS BEEN ASK ED TO LEAVE SEVERAL TIMES REF
07:43:54	005	DISP	TE130
07:44:51	045	TEXTF	ONGOING 415 AND HAS BEEN ACTING OUT OF C ONTROL // SUBJ ADVD HE IS NOT LEAVING W
07:44:51	045	TEXTF	ITHOUT THE JUV/ HE WONT LET HER GO/ HE H AS NO TRANSPORTATION AT LOC
07:46:11	005	REMARK	2TE70 :30 SECS
07:46:35	045	TEXTF	RP ADVD FAMILY WAS ABLE TO GET THE JUV/ SHAWN DOB 120484
07:47:08	998	ARRIVE	2TE70
07:47:09	045	REMARK	SUBJ FLEW IN AND WAS PICKED UP AT THE AI

DAILY DISPATCH REGISTER OF ACTIONS

		RPORT FOR THE HOLIDAYS
07:47:19 998	ARRIVE	2TE69
07:48:00 005	INSERV	TE130
07:48:06 005	DISP	TE130
07:48:20 005	INSERV	TE130
07:49:16 045	REMARK	UTL CONTS FOR SHAWN
07:50:05 005	DISP	TE130
07:50:07 998	MDTACK	TE130
07:51:30 045	REMARK	UTL CONTS FOR ERIN
07:52:49 005	CONTCT	2TE70 2TE69; TIMER OFF
08:07:13 998	ARRIVE	TE130
08:12:33 005	CONTCT	TE130; TIMER OFF
08:33:05 998	ENHAN8	TE130 TE130
08:37:13 998	ENHAN8	2TE69 2TE69
08:40:17 998	REMARK	2TE70 :415 DV ONLY
08:41:08 005		CALL TYPE WAS 273.5 CHANGED TO 415DV; PR
		I WAS 2 CHANGED TO 2
08:42:06 998	98	2TE70; CLOSING PRIMARY UNIT - 2TE70; OFF
		ICER - 4929 ; REPORT TYPE - R
08:42:06 998	98	; CLOSURE CODES - 24D5M

OPERATOR ASSIGNMENTS:	4929	PLUMMER,KURT E
	N5013	VALENCIA,KATHY
	N3028	STORY,JOHANNA
	4929	PLUMMER,KURT E
AS OF 12-29-2019 07:40:11	5307	WAMBAUGH,ASHLEY
AS OF 12-29-2019 07:50:07	2885	PARKER,JOSHUA
AS OF 12-29-2019 08:41:08	N5872	WHEELER,MARK

EXHIBIT 21

Temecula, California and that I had been drinking an entire bottle of Scotch by myself for the past two days. This is not true. Ms. Gerlach states I grabbed her by the hair because I was irritable and hungover. This is also not true.

On December 29, 2019, Ms. Gerlach, myself and our daughter were at her parents' house visiting for the holiday. Ms. Gerlach had driven to California with our daughter and I flew in to meet them a few days later. We were planning to drive back to Arizona together however Ms. Gerlach and I got into an argument because Ms. Gerlach was trying to stay in California with our child. When the argument started, I was inside the house holding our daughter in my arms. Ms. Gerlach was yelling at me and began choking me while I was holding our daughter. At this point, I asked Ms. Gerlach's mother to contact the police. The police arrived. I was escorted outside. Ms. Gerlach remained inside of the house. I explained to the police that Ms. Gerlach had attacked me and choked me. There were visible red marks and scratches on my neck. The officer inspected my neck and took photographs of the red marks and scratches on my neck. The officer then proceeded to go into the house and interview Ms. Gerlach and others. The police officer came back outside and asked me if I wanted to assist with prosecution of Ms. Gerlach. I declined. The police officer then asked me if I wanted to take my daughter with me. I explained that I did want to take her but that I could not because I did not have a car seat for her. I agreed to leave our child with Ms. Gerlach. The police officer then drove me to a coffee shop and I got an uber to go to San Diego and fly home. Ms. Gerlach came home with our daughter a few days later.

Ms. Gerlach states that on July 28, 2022, our daughter interrupted me while I was playing Call of Duty on the iPad and that because of this, I told Ms. Gerlach to get out of the way and that I was going to punish our daughter by beating her because she needed it. This is not true. Ms. Gerlach states that I dragged her by the hair because she was not listening to me. This is not true.

On July 29, 2022, I broke off my relationship with Ms. Gerlach. This is what I believe led to Ms. Gerlach taking our daughter to California. In an attempt to stay in California, Ms. Gerlach filed multiple Domestic Violence filings.

EXHIBIT 22

29. Following the birth of the parties' daughter, Mother began suffering from a myriad of medical issues (physically and mentally) that typically manifested in Mother becoming violent and either assaulting Father or destroying property.

a. In April 2018, Mother threatened to take the parties' daughter to California and deprive Father of ever seeing her again.

b. Following the birth of the child, Mother threatened to abandon the child or made non-specific suicidal ideations.

c. September 2018, Mother gives birth to stillborn child. Mother was hospitalized. Once discharged, Mother experienced significant challenges and became easily enraged. During the fits of rage, Mother would throw and break personal property without discretion or concern.

d. Thanksgiving 2018 Mother continued to be unable to manage her emotions and targeted the parties infant daughter. Following the incident, Father pushed for Mother to seek medical intervention.

e. Between December 2018 through December 2019, Mother continues to threaten to leave Arizona and take the child.

f. August 2019, Mother strikes Father across the face.

g. While over the Christmas holiday in California, Mother began strangling Father while he was holding the minor child. Mother's family intervened and called enforcement (Riverside Police Department). Father left mid-holiday and obtained an Order of Protection (J1109PO201900297) against Mother. The parties eventually reconciled once Mother and the child returned from California and the protective order was not served.

h. Between January 2020 and July 2022 Mother's erratic and violent behavior continued. Mother continues to threaten to runway with the child, to abandon the child and to make suicidal ideations.

i. In April 2020, Mother is diagnosed with Sheehan Syndrome but treatment and oversight is interrupted and delayed by the COVID19 pandemic.

j. July 2022, Mother is diagnosed with a tumor on her pituitary gland (later to be determined an inoperable cyst.

EXHIBIT 23

in the home while they hid.

Another video from 7/19, captures [redacted] yelling, "fucking kill me" and telling someone they are a "piece of shit human".

Another from 7/19, [redacted] and Erin yelling at each other through the door. Erin explained this incident involved her and [redacted] running from [redacted] after he tried smothering [redacted] because she was crying. [redacted] made statements including she should kill herself, "fuck you for ever coming into my life", and "fuck you for giving birth to her". She stated that they hid in the bathroom because the front door was blocked, the back door had multiple locks that prevented quick exit, and the garage door was blocked.

8/2/19 shows [redacted] calling someone a "crazy cunt".

Erin provided multiple photos of the physical abuse she sustained from [redacted] during their relationship. There are multiple photos of severe bruising to her arms, back, chest, legs and ribs. Erin also provided photos of her black eyes caused by [redacted] [redacted] reportedly held a pillow over her face with his body weight. She was kicked out of the house that night and slept in the parking lot of a hospital. Erin said she slept in a hospital parking lot more than once in case she absolutely needed medical attention. She was afraid to seek aid because of fear of getting [redacted] in trouble.

Erin described an incident from Easter on 4/21/19 where [redacted] became upset over [redacted] spilling finger paint while she was preparing things for Easter. [redacted] dragged her by the arm from the bedroom to the living room and slammed her down on the floor. [redacted] then grabbed her by the ponytail and dragged her through the spilled paint. [redacted] was in the room while [redacted] dragged her around. Erin provided photos of the paint on her body and bruising on her arms.

On 9/3/19, Erin and [redacted] were in a disagreement and [redacted] grabbed her by the hair while she was holding [redacted] Erin ended up dropping [redacted] causing Erin to scream at him to stay away. Erin shared a video showing [redacted] walking towards her while holding [redacted] while she repeatedly asks him to stay away until she gets outside. [redacted] puts his hands behind his back but continues to walk towards them. After this, Erin took [redacted] to California to get away for a while.

On 4/7/20, [redacted] came home from golfing and drinking. He threw [redacted] toys across the room and was confrontational with Erin while she held [redacted] Erin threatened to call 911 if he continued and provided a video showing [redacted] daring her to call 911.

On 4/14/20, [redacted] broke a plastic cutting board by slamming it on the kitchen counter because Erin would not press garlic for a cooking recipe. She explained that he would use intimidation tactics like this repeatedly. On this particular occasion [redacted] was said to have immediately calmed down after realizing he was being filmed.

She recalled a specific incident around Father's Day in 2021 where [redacted] had become too rough and choked her while she performed oral sex on him. She said that she repeatedly tried to pull away from him and he would force her mouth on his penis. [redacted] was in the room while this occurred. She provided photos of bleeding and bruising inside of her mouth.

Erin explained that [redacted] was frequently a victim of [redacted] behavior and would be hit by things that [redacted] would break or he would directly throw at

EXHIBIT 24

30. Mother's chronic, erratic and violent behavior is contrary to the minor child's best interests. Mother has exposed the minor child to repeated incidents of domestic violence. Mother's reckless actions instigation of high conflict disagreements, physically assaulting Father, damaging personal property and suicidal ideations places the parties' minor child in serious and potentially imminent risk to becoming a victim of domestic violence.

31. A.R.S. § 25-403.03 (B), entitled "Domestic Violence and Child Abuse" requites this Court to consider evidence of domestic violence as contrast to the best interests of the minor child. In Hurd v. Hurd, 223 Ariz. 48, 52, 213 P.3d. 683, 867 (App. 2009), the Court of Appeals affirmed the trial court's decision to award the mother sole legal custody due in part to the minor child witnessing incidents of domestic violence (committed by the father). Thus, a child's passive involvement, witnessing domestic violence, is contrary to their best interest.

32. Father is deeply concerned about Mother's ability to make appropriate, well-reasoned decisions that affect or involve the minor child. Mother's behavior has worsened significantly and has culminated into Mother impermissibly withholding the minor child from Father for the foreseeable future. Mother's physical health is requiring surgical intervention and high level care. Mother's mental health status is unknown but Father is concerned that Mother is not properly managing her mental health or compliant with recommended treatment to manage the same.

33. Father is a fit and proper parent to be awarded sole legal decision making and sole physical custody with regard to the minor child. Father is a well-respected member of the Mesa Police Department. In addition to serving on the elite SWAT unit, Father also serves as instructor in several training areas.

EXHIBIT 25

Case Number: 23SMRO00051

9 ☒ **No-Contact Order** *(see 11 on form DV-100)*

a. ☐ I agree to the order requested.

b. ☒ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: See Declaration of Shawn Tyler Freeman. I have a no-contact Order protecting me from Petitioner. This is retaliation.

10 ☒ **Stay-Away Order** *(see 12 on form DV-100)*

a. ☐ I agree to the orders requested.

b. ☒ I do not agree to the orders requested.

Explain why you disagree, or describe a different order that you would agree to: See Declaration of Shawn Tyler Freeman. I have a stay away Order protecting me from Petitioner. This is retaliation.

11 ☐ **Order to Move Out** *(see 13 on form DV-100)*

a. ☐ I agree to the order requested.

b. ☐ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to:

12 ☒ **Other Orders** *(see 14 on form DV-100)*

a. ☐ I agree to the order requested.

b. ☒ I do not agree to the order requested.

Explain why you disagree, or describe a different order that you would agree to: That this Court help enforce the custody orders in AZ and the Warrant requiring Petitioner's return of our daughter to me.

13 ☒ **Child Custody and Visitation** *(see 15 on form DV-100 and DV-105)*

a. ☐ I am **not** the parent of the child listed in form DV-105, *Request for Child Custody and Visitation Orders*

b. ☒ I am the parent of the child or children listed in form DV-105 *(check one)*:

(1) ☐ I agree to the orders requested.

(2) ☒ I do not agree to the orders requested. (Complete form DV-125, *Response to Request for Child Custody and Visitation Orders*, and attach it to this form.)

This is not a Court Order.

EXHIBIT 26

There are serious and legitimate concerns surrounding Mother's overall parental fitness as well as her ability to provide care and supervision for the minor child. Based on information and belief, Maternal Grandmother and Maternal Step Grandfather are caring for the minor child. This is inappropriate. If Mother is unable to care for the child then child should be placed in Father's care.

34. Mother is wholly unable to co-parent. Mother's refusal to allow Father to see or speak to the child is both legally unsupportable and unreasonable. Mother, by her own admission, is unable to care for the parties' minor child. Due to Mother's threatening, violent and abusive behavior towards Father there is a presumption against awarding joint legal decision making. A.R.S. § 25-403.03(D).

35. Mother should be ordered to complete parenting classes, domestic violence classes, and anger management classes. Likewise, Mother should submit to a comprehensive psychological evaluation to determine what legal decision making and parenting time orders are in the minor child's best interest.

36. Mother's parenting time should be suspended pending assessment of her fitness and ability to appropriately care and provide for the minor child. In the alternative, Mother's parenting time should be supervised at her sole expense, in Arizona.

WHEREFORE, Petitioner/Father requests that the Court enter an order for Respondent/Mother to appear and show cause why the following relief should not be granted:

1. That an Order of Paternity be entered establishing that Petitioner, **SHAWN T. FREEMAN,** is the natural and biological father of the minor child **BROOKLYN JORDAN FREEMAN**, born February 12, 2018.

EXHIBIT 27

best interests to award Mother either joint legal decision making or sole legal decision making.

10. Mother's refusal to allow Father to see or speak to the child is both legally unsupportable and unreasonable. Mother's reasons for withholding the child from Father are unrelated to his parental fitness but are rather motivated by Mother's overwhelming desire to hurt Father and ruin his life.

11. Mother, by her own admissions, is unable to care for the parties' minor child. Mother's mental and physical health raise serious concerns about her ability to properly care for the minor child and make decisions consistent with the child's best interests.

12. Father has a well-bonded, loving and strong relationship with the minor child. The minor child is likewise bonded with father's family and close friends. Father has maintained a stable residence and the minor child has her own room and necessities.

13. Father is a well-respected member of the Mesa Police Department. In addition to serving on the elite SWAT unit, Father also serves as instructor in several training areas.

14. The parties' minor child was scheduled to start preschool at the Gilbert Arts Academy located in August 2022. Father purchased the school uniforms and each party paid one month of tuition. On a whim, consistent with her erratic decision making, Mother withdrew the minor child from the Gilbert Arts Academy and retained 100% of the refunded tuition.

15. While Father is cognizant and appreciative of the value of a mother-daughter relationship. Father harbors serious and legitimate concerns regarding

EXHIBIT 28

Default Address

Brooklyn Freeman
128 W Campbell Ct
Gilbert, AZ 85233-4426

Order History

VIEW

Most Recent Order

Order Number:
Date Ordered: 7/10/22
Order Status: Shipped
Shipped To: Brooklyn Freeman

Total items
1

Total
$30.06

Payment

Add New

Saved For Later

This list is empty.

Skip to footer content
GET 10% OFF

Girls 4-12 Jumping Beans Solid Leggings
Color: Black Luxe, Size: 4, Qty: 1
SKU # 34205048
$4.99 SALE $12.00

Your Price: **$4.99**

Toddler Girl Jumping Beans Solid Tee
Color: Navy, Size: 4T, Qty: 1
SKU # 19330738
$4.99 SALE $10.00

Your Price: **$4.99**

Toddler Girl Jumping Beans Zip Up Hoodie

Color: Gray, Size: 4T, Qty: 1

SKU # 63807677

$9.99 SALE $16.00

Your Price: **$9.99**

Toddler Girl Jumping Beans Graphic Tee

Color: Dino, Size: 4T, Qty: 1

SKU # 34072239

$4.50 CLEARANCE $10.00

Your Price: **$4.50**

Toddler Girl Jumping Beans Graphic Tee

Color: Kind Green, Size: 4T, Qty: 1

SKU # 55279976

$4.50 CLEARANCE $10.00

Your Price: **$4.50**

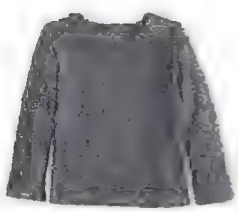
Toddler Girls Jumping Beans Jeggings

Color: Med Wash, Size: 4T, Qty: 1

SKU # 49801045

$8.99 SALE $16.00

Your Price: **$8.99**



Toddler Girl Jumping Beans Solid Tee

Color: Pink, Size: 4T, Qty: 1

SKU # 19330754

$4.99 SALE $10.00

Your Price: **$4.99**

Toddler Girl Jumping Beans Solid Tee

Color: Mauve, Size: 4T, Qty: 1

SKU # 19330769

$4.99 SALE $10.00

Your Price: **$4.99**

amazon.com

Final Details for Order

Print this page for your records.

Order Placed: July 15, 2022
Amazon.com order number:
Order Total: $25.87

Shipped on July 16, 2022

Items Ordered	**Price**
1 of: *The Children's Place Girl's Chino Shorts, Black, 6* Sold by: Amazon.com Services LLC Supplied by: Other Condition: New	$24.00

Shipping Address:
ERIN GERLACH
128 W CAMPBELL CT
GILBERT, AZ 85233-4426
United States

Shipping Speed:
FREE Prime Delivery

Payment information

Payment Method:
Visa | Last digits:

Item(s) Subtotal:	$24.00
Shipping & Handling:	$0.00
Total before tax:	$24.00
Estimated tax to be collected:	$1.87
Grand Total:	**$25.87**

Credit Card transactions	Visa ending in	July 16, 2022: $25.87

To view the status of your order, return to Order Summary.

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Toddler Girl Jumping Beans Solid Tee

Color: Navy, Size: 4T, Qty: 1

SKU # 19330738

$4.99 SALE $10.00

Your Price: **$4.99**

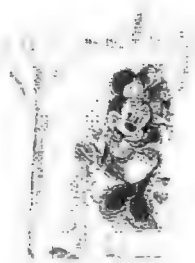
Toddler Girl Jumping Beans Tie Front Graphic Tee

Color: Stripe Heart Purple, Size: 4T, Qty: 1

SKU # 58266156

$4.50 CLEARANCE $10.00

Your Price: **$4.50**



Disney's Minnie Mouse Toddler Girl Shirred Tee by Jumping Beans

Color: White Minnie, Size: 4T, Qty: 1

SKU # 28279841

$5.40 CLEARANCE $12.00

Your Price: **$5.40**

Toddler Girl Jumping Beans Keyhole Swing Tee

Color: Unicorn Gray, Size: 4T, Qty: 1

SKU # 80880317

$4.99 SALE $10.00

Your Price: **$4.99**

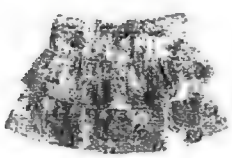
Toddler Girl Jumping Beans Graphic Tee

Color: Koala, Size: 4T, Qty: 1

SKU # 48944364

$4.50 CLEARANCE $10.00

Your Price: **$4.50**



Disney's Minnie Mouse Toddler Girl Tiered Skort by Jumping Beans

Color: Tie Dye Minnie Pink, Size: 4T, Qty: 1

SKU # 70167287

$5.40 CLEARANCE $12.00

Your Price: **$5.40**

amazon.com

Final Details for Order

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Order Placed: July 15, 2022
Amazon.com order number:
Order Total: $11.85

Shipped on July 16, 2022

Items Ordered	**Price**
1 of: *French Toast Little Girls' Two-tab Pleated Scooter, Khaki, 6* Sold by: Amazon.com Services LLC Supplied by: Other Condition: New	$10.99

Shipping Address:
ERIN GERLACH
128 W CAMPBELL CT
GILBERT, AZ 85233-4426
United States

Shipping Speed:
FREE Prime Delivery

Payment information

Payment Method:
Visa | Last digits:

Billing address

Item(s) Subtotal:	$10.99
Shipping & Handling:	$0.00
Total before tax:	$10.99
Estimated tax to be collected:	$0.86
Grand Total:	**$11.85**

Credit Card transactions	Visa ending in	July 16, 2022: $11.85

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Final Details for Order

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Order Placed: July 15, 2022
Amazon.com order number:
Order Total: $25.87

Shipped on July 16, 2022

Items Ordered	**Price**
1 of: *The Children's Place Girl's Chino Shorts, Black, 6* Sold by: Amazon.com Services LLC Supplied by: Other Condition: New	$24.00

Shipping Address:
ERIN GERLACH
128 W CAMPBELL CT
GILBERT, AZ 85233-4426
United States

Shipping Speed:
FREE Prime Delivery

Payment information

Payment Method:
Visa | Last digits:

Billing address

Item(s) Subtotal:	$24.00
Shipping & Handling:	$0.00
Total before tax:	$24.00
Estimated tax to be collected:	$1.87
Grand Total:	**$25.87**

Credit Card transactions		
Visa ending in	July 16, 2022:	$25.87

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Final Details for Order

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Order Placed: July 15, 2022
Amazon.com order number:
Order Total: $25.88

Shipped on July 16, 2022

Items Ordered	**Price**
2 of: *The Children's Place Girl's Pleated Skort, Black, 6* Sold by: Amazon.com Services LLC Supplied by: Other Condition: New	$12.00

Shipping Address:
ERIN GERLACH
128 W CAMPBELL CT
GILBERT, AZ 85233-4426
United States

Shipping Speed:
FREE Prime Delivery

Payment information

Payment Method:
Visa | Last digits:

Billing address

Item(s) Subtotal:	$24.00
Shipping & Handling:	$0.00
Total before tax:	$24.00
Estimated tax to be collected:	$1.88
Grand Total:	**$25.88**

Credit Card transactions			
Visa ending in	: July 16, 2022:	$25.88

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Final Details for Order

Print this page for your records.

Order Placed: July 15, 2022
Amazon.com order number:
Order Total: $12.92

Shipped on July 17, 2022

Items Ordered	**Price**
2 of: *The Children's Place girls Short Sleeve Pique Polo Shirt, Lunar Gray Single, Small US*	$5.99

Sold by: Amazon.com Services LLC
Supplied by: Other

Condition: New

Shipping Address:
ERIN GERLACH
128 W CAMPBELL CT
GILBERT, AZ 85233-4426
United States

Shipping Speed:
FREE Prime Delivery

Payment information

Payment Method:
Visa | Last digits:

Billing address

Item(s) Subtotal:	$11.98
Shipping & Handling:	$0.00
Total before tax:	$11.98
Estimated tax to be collected:	$0.94
Grand Total:	**$12.92**

Credit Card transactions Visa ending in July 17, 2022: $12.92

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EXHIBIT 29

Clerk of the Superior Court
*** Electronically Filed ***
M. Cain, Deputy
10/14/2022 9:51:39 AM
Filing ID 14988555

NOVO LAW FIRM
3133 West Frye Road, Suite 101
Chandler, AZ 85226

Caitlin Andrade (SBN 032138)
caitlin@novolawyers.com
direct: (602) 529-4957

Attorney for Shawn T. Freeman

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

IN RE THE MATTER OF: SHAWN T. FREEMAN, Petitioner, and ERIN ANNA GERLACH (fka ERIN ANNA PONDO), Respondent.	Case No. FC2022-094055 **MOTION FOR ALTERNATIVE SERVICE** **Expedited Ruling Requested** Assigned to the Hon. John Blanchard

Pursuant to Rule 41, Petitioner,**SHAWN T. FREEMAN** ("Father"), through counsel, respectfully motions this court to permit alternative service. Good cause exists to grant this motion, as briefly set forth below:

1. Father filed his *Petition to Establish Paternity, Legal Decision-Making, Parenting Time, and Child Support* on September 7, 2022. Father further filed a pre-decree *Motion for Temporary Orders* (docketed September 13, 2022).

2. The parties romantic relationship ended on July 29, 2022. Thereafter Mother traveled to California for medical treatment. Based on information and belief, Mother is residing with maternal grandparents at 35932 Wilcox Lane, Murrieta, California 92562 while undergoing and receiving medical treatment.

EXHIBIT 30

SHORT TITLE: Gerlach v. Freeman	CASE NUMBER:

ATTACHMENT *(Number)*: Describe Abuse, Item 7 to DV-100

(This Attachment may be used with any Judicial Council form.)

Attachment to Form DV-100, Item 7--Another Incident of Abuse

Fifth Most Recent Incident:
Date of Abuse: 07/14/2019

Who was there? Brooklyn Freeman and Video I took.

What happened just before the abuse started? The following event(s) occurred before the abuse started: Shawn had too much alcohol to drink.

What did Shawn Tyler Freeman do to you?

Shawn Tyler Freeman did the following things to me: Shawn Freeman took all of my belongings and some of our daughter's belongings and threw them into the garage while our daughter and I were locked in the bathroom away from Shawn as Shawn was screaming drunken nonsense through the door while heavily intoxicated. We were locked in the bathroom in fear for our lives because Shawn had blocked all the exits to the home and was violently throwing things even putting a hole in the wall.

What did Shawn Tyler Freeman say to you?

Shawn Tyler Freeman said to me: Shawn said I do not deserve to be a mother, called me a crazy bitch, told me I should die, I should kill myself, etc.

Did Shawn Tyler Freeman send you any text messages, instant messages, email, or voicemail messages?

Did Shawn Tyler Freeman use a gun or other weapons OR threaten to use a gun or other weapons?

Were you injured? I suffered the following emotional or physical harm: damage to our property and the emotional harm of being fearful for our lives.

Did Shawn Tyler Freeman damage your property?

Shawn Tyler Freeman damaged my property: both me and Brooklyn's property broken on the dirty garage floor.

Are there any photographs? myself took photographs. The pictures show: photos of our property on the garage floor The pictures were taken: during the incident.

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SHORT TITLE: Gerlach v. Freeman	CASE NUMBER:

ATTACHMENT *(Number)*: Describe Abuse, Item 6 to DV-100

(This Attachment may be used with any Judicial Council form.)

Attachment to Form DV-100, Item 6--A Different Incident of Abuse

Second Most Recent Incident:

Date of Abuse: 12/09/2019

Who was there? Brooklyn Freeman and video on my phone.

What happened just before the abuse started? The following event(s) occurred before the abuse started: Shawn's Dad went to work, Shawn and I started to prep dinner but while cooking Shawn had too much to drink

What did Shawn Tyler Freeman do to you?

Shawn Tyler Freeman did the following things to me: Shawn had too much to drink while we were at his Dad's house visiting. Shawns Dad was at work. An argument happened when I asked for help with our daughter and Shawn told me to "get the fuck out." When I started trying to pack me and our daughter's stuff into my car to leave Shawn took my keys, blocked me from entering the bedroom where our belongings were, screamed in my face and shoved me (while I was holding our daughter) and broke my phone by stomping on it with his boots on.

What did Shawn Tyler Freeman say to you?

Shawn Tyler Freeman said to me: I asked Shawn for help with our daughter so I could take a shower. But Shawn said it was his vacation and started yelling at me. While Shawn was yelling at me and told me to "get the fuck out." Shawn also said he was "beyond angry, uncontrollably angry" and had to get away from me. Shawn said it was my own fault I was being screamed at and he hit me, I forced him to do it.

Did Shawn Tyler Freeman send you any text messages, instant messages, email, or voicemail messages?

Did Shawn Tyler Freeman use a gun or other weapons OR threaten to use a gun or other weapons?

Were you injured? I suffered the following emotional or physical harm: Physical harm from being shoved and emotional harm from being screamed at. I was also told to leave but then Shawn took my keys so I couldn't leave and broke my phone, I was stuck. .

Did Shawn Tyler Freeman damage your property?

Shawn Tyler Freeman damaged my property: Cell phone

Are there any photographs? Myself took photographs. The pictures show: Shawn yelled in my face, shoved me and you see my phone hitting the floor. The video cut off when Shawn stomped on my phone with his boots on. The pictures were taken: Same time as the incident occured

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

SHORT TITLE: Gerlach v. Freeman	CASE NUMBER:

ATTACHMENT *(Number)*: Describe Abuse, Item 7 to DV-100

(This Attachment may be used with any Judicial Council form.)

Attachment to Form DV-100, Item 7--Another Incident of Abuse

Third Most Recent Incident:
Date of Abuse: 12/29/2019

Who was there? susan Winston Warren Winston.

What happened just before the abuse started? The following event(s) occurred before the abuse started: We were getting ready to spend the day together as a family with my family over the holiday break. But Shawn had been drinking an entire bottle of Scotch by himself for 2 days prior. Shawn was hungover and irritable.

What did Shawn Tyler Freeman do to you?
Shawn Tyler Freeman did the following things to me: Shawn Freeman grabbed me by the hair

What did Shawn Tyler Freeman say to you?
Shawn Tyler Freeman said to me: I cannot recall the context of the disagreement

Did Shawn Tyler Freeman send you any text messages, instant messages, email, or voicemail messages?

Did Shawn Tyler Freeman use a gun or other weapons OR threaten to use a gun or other weapons?

Were you injured? I suffered the following emotional or physical harm: Physical harm of pulling my hair. The emotional harm of my family being afraid for me and Brooklyn's safety after hearing us yelled at. .

Did Shawn Tyler Freeman damage your property?

Are there any photographs?

(If the item that this Attachment concerns is made under penalty of perjury, all statements in this Attachment are made under penalty of perjury.)

EXHIBIT 31

IN RE MATTER OF **CASE NUMBER: DVHE2206978**

ERIN GERLACH and SHAWN TYLER FREEMAN

DV-120, ADDITIONAL REASONS I DO NOT AGREE WITH THE REQUEST

I, **SHAWN TYLER FREEMAN,** state and declare as follows:

I am the Respondent in the above-captioned matter. I have personal knowledge of the facts set forth in this Declaration and would competently testify thereto if called as a witness. As to those matters stated to be on information and belief, I believe them to be true.

Ms. Gerlach and I were in a dating relationship from March 2017 until July 2022, and we have one minor child together, Brooklyn Freeman, DOB February 12, 2018, 4 years old.

Please allow this declaration to serve as a response to Ms. Gerlach's statements attached her to Request for Domestic Violence Restraining Order filed on December 14, 2022.

Ms. Gerlach states that on July 14, 2019, I took all of her belongings and some of our daughter's belongings and threw them into our garage while being heavily intoxicated and screaming. This is not true. This incident did not happen.

Ms. Gerlach states that on December 9, 2019, we were at my father's house where he resides in Lancaster, California. This is not true. On December 9, 2019, Petitioner and I were in Arizona at home getting ready for Christmas. The incident she is describing did not happen.

On December 5, 2019, I was attending a Police facilitated commercial driving class in the City of Mesa, Arizona. On December 13, 2019, I took our daughter to see Santa Claus at the San Tan Village Mall in Gilbert, Arizona. We did not visit my father in between these events. I last visited my father, who previously resided in Lancaster, California, in June 2019. I drove out to my father's house with our daughter. Ms. Gerlach did not come with us to visit my father. Petitioner flew to California to visit with her parents who reside in Temecula, California. Later, I drove with our daughter from my father's house in Lancaster to Petitioner's parents' house in Temecula to meet up with Ms. Gerlach. We spent the day together with Ms. Gerlach's parents before driving back together to Arizona without incident.

Ms. Gerlach states that on December 29, 2019, we were at her parents' house in

DV-120 Response to Request for Domestic Violence Restraining Order

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.

Do not use this form if you want to ask for your own restraining order. Read form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of Riverside
2/10/2023
A. Rivera
Electronically Filed

Fill in court name and street address:

Superior Court of California, County of
RIVERSIDE
4175 MAIN STREET
SAME
RIVERSIDE, CA 92501
FAMILY LAW BRANCH

Fill in case number:

Case Number:
DVHE2206978

1 Name of Person Asking for Protection:

(See form DV-100, item 1):
ERIN GERLACH

2 Your Name: SHAWN TYLER FREEMAN

Address where you can receive court papers

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)

Address: 25240 HANCOCK AVENUE, SUITE 110
City: MURRIETA State: CA Zip: 92562

Your contact information *(optional)*

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)

E-Mail Address: ebradford@hghlawyers.com Telephone: (951) 506-6654 Fax: (951) 506-4478

Your lawyer's information *(if you have one)*

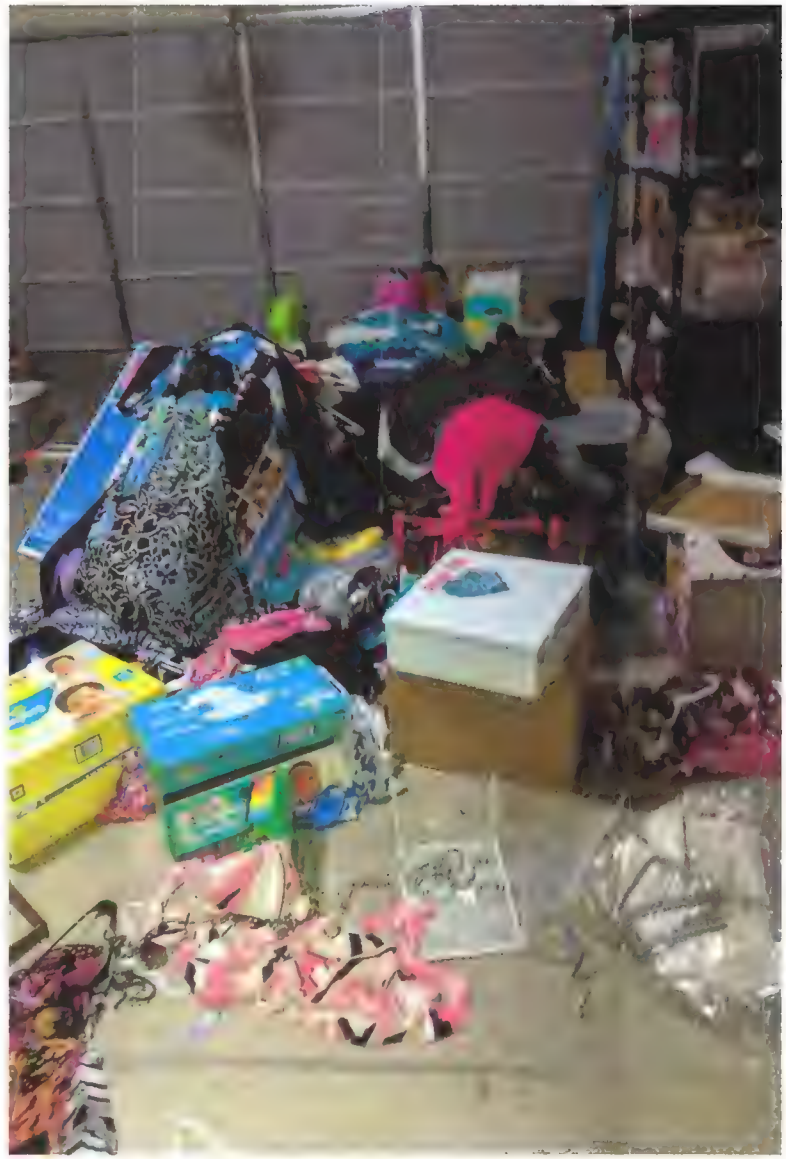
Name: ERIK J. BRADFORD, ESQ. State Bar No.: 218323
Firm Name: HANSON, BRADFORD & HANICH

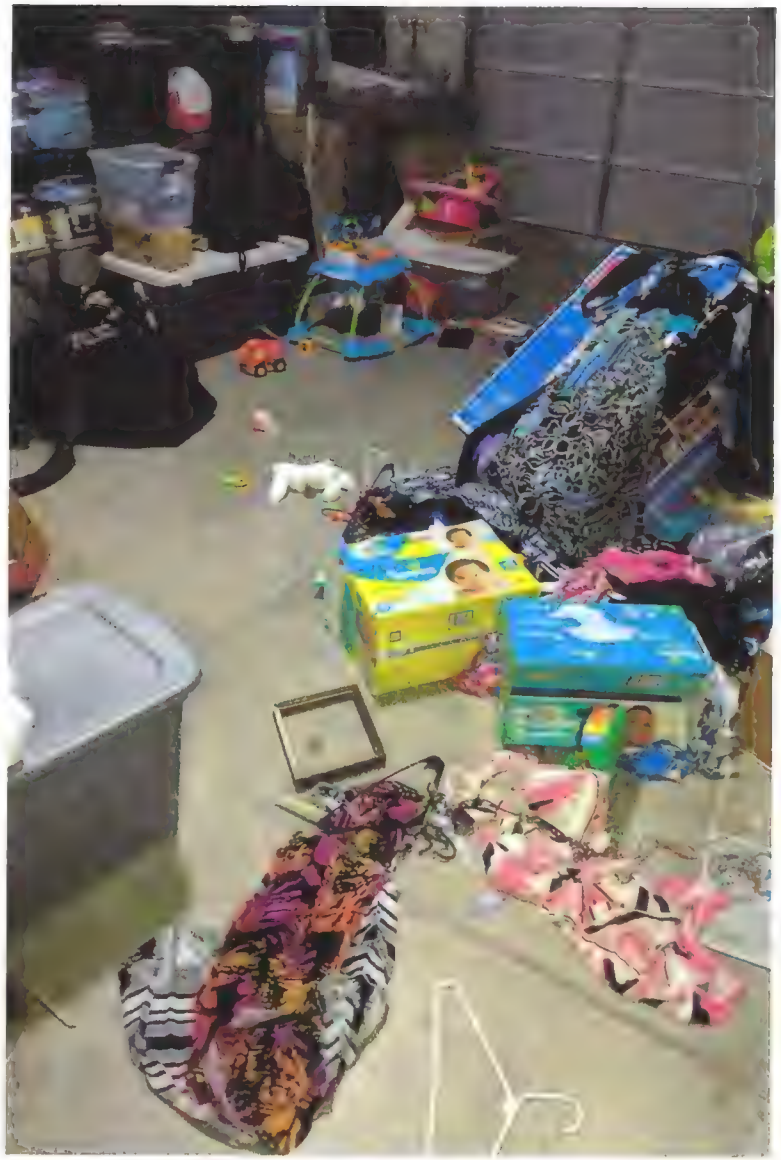
3 Your Hearing Date (Court Date)

Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

This is not a Court Order.

EXHIBIT 32





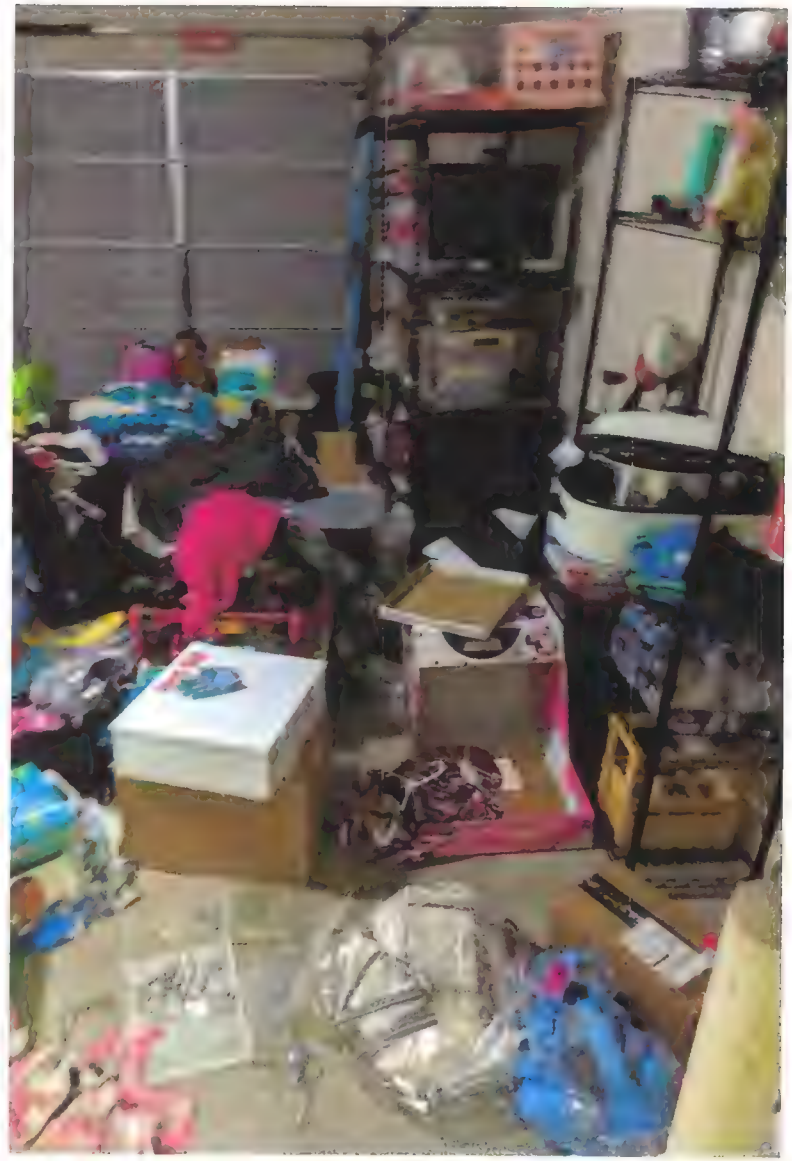


EXHIBIT 33

IN RE MATTER OF **CASE NUMBER: DVHE2206978**

ERIN GERLACH and SHAWN TYLER FREEMAN

DV-120, ADDITIONAL REASONS I DO NOT AGREE WITH THE REQUEST

I, SHAWN TYLER FREEMAN, state and declare as follows:

I am the Respondent in the above-captioned matter. I have personal knowledge of the facts set forth in this Declaration and would competently testify thereto if called as a witness. As to those matters stated to be on information and belief, I believe them to be true.

Ms. Gerlach and I were in a dating relationship from March 2017 until July 2022, and we have one minor child together, Brooklyn Freeman, DOB February 12, 2018, 4 years old.

Please allow this declaration to serve as a response to Ms. Gerlach's statements attached her to Request for Domestic Violence Restraining Order filed on December 14, 2022.

Ms. Gerlach states that on July 14, 2019, I took all of her belongings and some of our daughter's belongings and threw them into our garage while being heavily intoxicated and screaming. This is not true. This incident did not happen.

Ms. Gerlach states that on December 9, 2019, we were at my father's house where he resides in Lancaster, California. This is not true. On December 9, 2019, Petitioner and I were in Arizona at home getting ready for Christmas. The incident she is describing did not happen.

On December 5, 2019, I was attending a Police facilitated commercial driving class in the City of Mesa, Arizona. On December 13, 2019, I took our daughter to see Santa Claus at the San Tan Village Mall in Gilbert, Arizona. We did not visit my father in between these events. I last visited my father, who previously resided in Lancaster, California, in June 2019. I drove out to my father's house with our daughter. Ms. Gerlach did not come with us to visit my father. Petitioner flew to California to visit with her parents who reside in Temecula, California. Later, I drove with our daughter from my father's house in Lancaster to Petitioner's parents' house in Temecula to meet up with Ms. Gerlach. We spent the day together with Ms. Gerlach's parents before driving back together to Arizona without incident.

Ms. Gerlach states that on December 29, 2019, we were at her parents' house in

DV-120 Response to Request for Domestic Violence Restraining Order

Clerk stamps date here when form is filed.

FILED
Superior Court of California
County of Riverside
2/10/2023
A. Rivera
Electronically Filed

Use this form if someone has asked for a domestic violence restraining order against you, and you want to respond in writing. You will need a copy of form DV-100, *Request for Domestic Violence Restraining Order*, that was filled out by the person who asked for a restraining order against you. There is no cost to file this form with the court.
Do not use this form if you want to ask for your own restraining order. Read form DV-500-INFO, *Can a Domestic Violence Restraining Order Help Me?* to find out more about this type of restraining order.

Fill in court name and street address:

Superior Court of California, County of
RIVERSIDE
4175 MAIN STREET
SAME
RIVERSIDE, CA 92501
FAMILY LAW BRANCH

Fill in case number:

Case Number:
DVHE2206978

1 Name of Person Asking for Protection:

(See form DV-100, item 1):
ERIN GERLACH

2 Your Name: SHAWN TYLER FREEMAN

Address where you can receive court papers

(This address will be used by the court and by the person in 1 to send you official court dates, orders, and papers. For privacy, you may use another address like a post office box, a Safe at Home address, or another person's address, if you have their permission and can get your mail regularly. If you have a lawyer, give their information.)
Address: 25240 HANCOCK AVENUE, SUITE 110
City: MURRIETA State: CA Zip: 92562

Your contact information *(optional)*

(The court could use this information to contact you. If you don't want the person in 1 to have this information, leave it blank or provide a safe phone number or email address. If you have a lawyer, give their information.)
E-Mail Address: ebradford@hghlawyers.com Telephone: (951) 506-6654 Fax: (951) 506-4478

Your lawyer's information *(if you have one)*

Name: ERIK J. BRADFORD, ESQ. State Bar No.: 218323
Firm Name: HANSON, BRADFORD & HANICH

3 Your Hearing Date (Court Date)

Your hearing date is listed on form DV-109, *Notice of Court Hearing*. If you do not agree to having a restraining order against you, attend your hearing date. If you do not attend your hearing, the judge could grant a restraining order that could last up to five years.

This is not a Court Order.

EXHIBIT 34

DEPARTING FLIGHT 2415

Phoenix (PHX) to San Diego (SAN)
Depart: 12/7/2019 10:57 AM | Arrive: 12/7/2019 11:14 AM
Total Duration: 1 hr 17 min

ADULT(S)

1 - Shawn Freeman
Not a *FRONTIER Miles*℠ Member? Sign Up!

BUNDLE AND SAVE

Add the PERKS℠ Bundle and save!
Buy Now!
You get: 1 Carry-on, 1 Checked Bag & Seat Assignment

You have not purchased a seat assignment(s)
You will be randomly assigned seat(s) at check-in.
Buy Seat Assignments Now!

You have not purchased bags
You can bring one personal item that must fit under the seat in front of you.
Buy Bags Now!

PURCHASE TOTAL

Airfare	$3.72
Options	$0.00
Taxes and Carrier-Imposed Fees	$24.58
Grand Total	**$28.30**

PAYMENT: VISA

EXHIBIT 35

Caution Report For Lancaster Sheriff Station

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT

A TRADITION OF SERVICE

INCIDENT REPORT

DATE 02/07/23 PAGE 1 OF 4

ACTION: ☒ ACTIVE ☐ INACTIVE ☐ PENDING | NON-CRIMINAL ☐ | # OF ADULT ARRESTS 0 | # OF SUBJECT DETENTIONS 0 | URN# RETENTION 0 YEAR 25 SEQUENTIAL 022102 REPORTING DISTRICT 1125 STAT CODE 1146 TAG# 1124

CLASSIFICATION 1 / LEVEL / STAT CODE: DOMESTIC BATTERY 243(e)(1) | M | 1146

CLASSIFICATION 2 / LEVEL / STAT CODE:

CLASSIFICATION 3 / LEVEL / STAT CODE:

CLASSIFICATION 4 / LEVEL / STAT CODE:

ADDITIONAL STAT CODES ☐ ASAP / 93 ☐ GANG RELATED / 660 ☐ CYBER - RELATED CRIME / 662
☐ FIREARM RELATED / 830 ☐ CYBER CRIME / 651 ☐ CYBER - RELATED INCIDENT (NON - CRIMINAL) / 659 ☐ OTHER

DATE / TIME / DAY OF OCCURRENCE: 12-09-2019 | 2200 HOURS | WEDNESDAY

☐ PRINTS REQUESTED ☐ PRINTS COMPLETED | REQUESTED BY: | TIME

LOCATION OF OCCURRENCE: 1922 ALBERT ST LANCASTER CA 93534

BUSINESS NAME

CODE: V - VICTIM • W - WITNESS • I - INFORMANT • R - REPORTING PARTY • P - PARTY

CODE	# of	LAST NAME	FIRST NAME	MIDDLE NAME	SEX	RACE	DOB	AGE	DRIVER'S LICENSE / STATE ID
V	1	GERLACH	ERIN	ANNA	F	W	10/14/88	34	D0180744 / CA

RESIDENCE ADDRESS: 35982 WILCOX LANE | CITY: MURRIETA | STATE: CA | ZIP: 92562 | RESIDENCE PHONE (Area Code):

BUSINESS / SCHOOL (GRADE) ADDRESS: UNEMPLOYED | CITY | STATE | ZIP | BUSINESS PHONE (Area Code):

ETHNIC ORIGIN: — | EMAIL ADDRESS: GERLACH.ERIN@GMAIL.COM | SOCIAL NETWORKING ACCOUNT: — | CELL PHONE (Area Code): (951) 409-7447

VICTIM OF OFFENSE(S) (CLASSIFICATION) #: 1 | VICTIM DESIROUS OF PROSECUTION? ☒ YES ☐ NO | VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? ☐ YES ☐ NO | N | A | ENGLISH SPEAKING? ☒ YES ☐ NO | LANGUAGE

CODE	# of	LAST NAME	FIRST NAME	MIDDLE NAME	SEX	RACE	DOB	AGE	DRIVER'S LICENSE / STATE ID

RESIDENCE ADDRESS | CITY | STATE | ZIP | RESIDENCE PHONE (Area Code)

BUSINESS / SCHOOL (GRADE) ADDRESS | CITY | STATE | ZIP | BUSINESS PHONE (Area Code)

ETHNIC ORIGIN | EMAIL ADDRESS | SOCIAL NETWORKING ACCOUNT | CELL PHONE (Area Code)

VICTIM OF OFFENSE(S) (CLASSIFICATION) #: | VICTIM DESIROUS OF PROSECUTION? ☐ YES ☐ NO | VICTIM OF SEX CRIME DESIROUS OF CONFIDENTIALITY? ☐ YES ☐ NO | ENGLISH SPEAKING? ☐ YES ☐ NO | LANGUAGE

CODE: S - SUSPECT • SJ - SUBJECT • M - PATIENT • S/V - SUSPECT / VICTIM • SJ / V - SUBJECT / VICTIM

CODE	# of	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	AGE	DRIVER'S LICENSE / STATE ID
S	1	FREEMAN	SHAWN	—	12/04/84	38	—

SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HEIGHT	WEIGHT	CELL PHONE (Area Code)
M	W	—	BRO	BRO	511	220	(480) 369-1293

RESIDENCE ADDRESS: 128 CAMPBELL COURT | CITY: LAUGHLIN | STATE: AZ | ZIP: 86323 | RESIDENCE PHONE (Area Code):

BUSINESS / SCHOOL (GRADE) ADDRESS: — | CITY | STATE | ZIP | BUSINESS PHONE (Area Code):

AKA: — | EMAIL ADDRESS: — | SOCIAL NETWORKING ACCOUNT | ENGLISH SPEAKING? ☐ YES ☐ NO | LANGUAGE

MONIKER: — | CHARGE: — | BOOKING NUMBER: — | WHERE DETAINED OR CITE NUMBER

CODE	# of	LAST NAME	FIRST NAME	MIDDLE NAME	DOB	AGE	DRIVER'S LICENSE / STATE ID

SEX	RACE	ETHNIC ORIGIN	HAIR	EYES	HEIGHT	WEIGHT	CELL PHONE (Area Code)

RESIDENCE ADDRESS | CITY | STATE | ZIP | RESIDENCE PHONE (Area Code)

BUSINESS / SCHOOL (GRADE) ADDRESS | CITY | STATE | ZIP | BUSINESS PHONE (Area Code)

AKA | EMAIL ADDRESS | SOCIAL NETWORKING ACCOUNT | ENGLISH SPEAKING? ☐ YES ☐ NO | LANGUAGE

MONIKER | CHARGE | BOOKING NUMBER | WHERE DETAINED OR CITE NUMBER

LARCIS BG 2/13 Mailed 2/13

BY DEPUTY	EMPLOYEE #	SWORN EXP IN YRS	DEPUTY	EMPLOYEE #	SWORN EXP IN YRS	VACATION DATES
BURCHER	609580	10	NIELSEN	627052	6	0

STATION	UNIT / CAR #	SHIFT	APPROVED	EMPLOYEE #	DATE / TIME
SPM	87K1	P	SGT. STENGEL	439201	2/13/23 C 0021

PCD SUBMITTED? ☐ YES ☒ NO | VACATION DATES: 0 | ASSIGNMENT: D.B.

HQ NOTIFICATION REQUESTED? ☐ YES ☒ NO | DEPUTY | DATE / TIME | SPECIAL REQUEST DISTRIBUTION

SUSPECT / SUBJECT FIELD RELEASE APPROVED BY: | DATE / TIME | CRIME BROADCAST BY: | DATE / TIME | SECRETARY

A TRADITION OF SERVICE

COUNTY OF LOS ANGELES SHERIFF'S DEPARTMENT
INCIDENT REPORT

URN# 023-02262-1125-146
TAG # 124
DATE 02/07/23 PAGE 2 OF 4

VEHICLE
VEHICLE FOR VICTIM #
VEHICLE FOR SUSPECT #
STATUS ☐ STOLEN ☐ STORED
DESCRIPTION OF DAMAGE
LICENSE (STATE & NUMBER) N/A
REGISTERED OWNER
YEAR | MAKE | MODEL | BODY TYPE | COLOR
IDENTIFYING FEATURES
☐ DAMAGED ☐ EMBEZZLED ☐ IMPOUNDED ☐ OUTSTANDING
CHP 180 SUBMITTED? ☐ YES ☐ NO
GARAGE NAME & PHONE

VEHICLE
VEHICLE FOR VICTIM #
VEHICLE FOR SUSPECT #
STATUS ☐ STOLEN ☐ STORED
DESCRIPTION OF DAMAGE
LICENSE (STATE & NUMBER) N/A
REGISTERED OWNER
YEAR | MAKE | MODEL | BODY TYPE | COLOR
IDENTIFYING FEATURES
☐ DAMAGED ☐ EMBEZZLED ☐ IMPOUNDED ☐ OUTSTANDING
CHP 180 SUBMITTED? ☐ YES ☐ NO
GARAGE NAME & PHONE

SCREENING FACTORS

☐ 1. SUSPECT IN CUSTODY
☑ 2. SUSPECT NAMED / KNOWN
☐ 3. UNIQUE SUSPECT IDENTIFIERS
☐ 4. VEHICLE IN CUSTODY
☐ 5. UNIQUE VEHICLE IDENTIFIERS
☐ 6. WRITER/REVIEWER DISCRETION

PROPERTY CODE:

S – STOLEN • R – RECOVERED • L – LOST • F – FOUND • E – EMBEZZLED • D – DAMAGED • K – SAFEKEEPING
(Use all applicable Codes; for example, if property is both Stolen and Recovered, Code is S/R)

RELEASED TO

CODE	ITEM #	QUAN.	DESCRIPTION (Include kind of article, trade name, identifying numbers, physical description, material, color, condition, age and present market value)	SERIAL #	VALUE

On the above indicated date and time I responded to 270 S Walnut in the city of San Dimas regarding a domestic violence call for service (Tag-124). Upon my arrival I contacted Erin Gerlach, hereby referred to as the victim, who stated the following:

On December 9, 2019 her and her boyfriend at the time, Shawn Freeman hereby referred to as the suspect, were at his parents house located at 1522 Albert Street in the city of Lancaster. The suspect had been drinking the whole day and became more aggressive as the day progressed. At approximately 2200 hours the victim stated that she wanted to leave because the suspect was very aggressive and it was scaring her and she didn't want her daughter, Brooklyn Freeman (DOB 02/12/2018), to be exposed to that environment. She informed the suspect she was going to leave, and the suspect yelled at her that she wasn't and shoved her with two open hands. As a result, the victim's momentum sent her backwards approximately three feet. To separate herself from the suspect the victim went into an office inside the residence and spent the rest of the night in there with her daughter. The suspect did not bother her anymore and passed out approximately an hour later. The next morning the victim, suspect and their daughter went back home to Arizona without incident.

I asked the victim if she suffered any injuries from being pushed and she stated no, she was just scared of him and the way he was acting towards her. She stated that there have been approximately 70 other domestic violence incidents involving the suspect that took place in Arizona and she would be filing police reports there. I asked if the suspect strangled her at any point and she stated no.

She showed me video footage of the incident and I observed the following:

The suspect is yelling at her and then he uses two hands to push the victim backwards. I was unable to see where the suspect pushed her and if his hands were open or closed.

I sent the victim a link to upload the video footage to LASD Evidence.com via my county issued phone.

I asked if she would like an emergency protective order against the suspect and she stated she currently has one and goes to court on 02/15/2023 to get a restraining order against the suspect. She also stated this is why she was reporting the incident three years later, her lawyer advised her to report also past incidents that had occurred.

The suspect and the victim share a daughter together. They have never been married but did live together for approximately three years but no longer live together.

I contacted Riverside County DCFS and spoke to Pamula Reed who provided me file number 0466-5919-7375-5050188.

The victim stated no firearms were used in the above incident.

The victim stated no drugs were used in the above incident, just alcohol.

A report memo, F.A.I.R pamphlet, EPO pamphlet and Vine pamphlet were issued.

Because this incident occurred in Lancaster Sheriff Station's RD, I suggest this be considered a courtesy report for Lancaster Sheriff Station.

My body worn camera was activated during the above incident. I did not review it prior to authoring this report.

EXHIBIT 36

LOS ANGELES COUNTY DISTRICT ATTORNEY
CHARGE EVALUATION WORKSHEET

FELONY / XMISDEMEANOR	AGENCY NAME / AGENCY FILE NO. (DR OR URN)	DA CASE NO. / DA OFFICE CODE	DATE / VICTIM ASSISTANCE REFERRAL
XMISDEMEANOR	LASD - LANCASTER STATION 023022621125146	43915172 AVA	03/13/2023 ☐ YES– NOTIFY VWAP ☐ NO

SUSP NO.	SUSPECT	CHARGES: CODE	SECTION	OFFENSE DATE	REASON CODE
1	NAME (LAST, FIRST MIDDLE)) FREEMAN, SHAWN TYLER	PC	243(E)(1)	12/09/2019	B
	DOB: [redacted] SEX(M/F): M BOOKING NO.: VIPX Yes–No: VIP - (03) Intimate Partner Violence				
	___Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
2	NAME (LAST, FIRST MIDDLE))				
	DOB: SEX (M/F): BOOKING NO.: VIP–Yes–No:				
	Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			
3	NAME (LAST, FIRST MIDDLE))				
	DOB: SEX(M/F): BOOKING NO.: VIP–Yes–No:				
	Gang Member Name of Gang	___ Victim Gang Member Name of Gang:			
	Victim Name:	Victim DOB:			

Comments

REJECT

Suspect was intoxicated and pushed the victim. Victim stumbled backwards but she had no injuries. Incident occurred in 2019 and victim reported in 2923.Also during body camera interview, victim stated her husband/ suspect may be a police officer. If so, in the future, case will need to be presented to JSOD first.
Case cannot be filed becauseStatute of Limitations has passed under Penal code section 802 (a).

[redacted]

I have conveyed all relevant information to the above-named Deputy District Attorney to be used in consideration of a filing decision.

FILING OFFICER (PRINT): JAMES MURPHY FILING OFFICER (SIGNATURE): _____ SERIAL #: 546035

DEPARTMENT OF JUSTICE REASON CODES (FORM 8715)			
A. Lack of Corpus	D. Victim Unavailable/Declines To Testify	H. Other (indicate the reason in Comments section)	L. Prosecutor Prefiling Deferral
B. Lack of Sufficient Evidence	E. Witness Unavailable/Declines to Testify	I. Referred to Non-California Jurisdiction	***DISTRICT ATTORNEY'S REASON CODES***
C. Inadmissible Search/Seizure	F. Combined with Other Counts/Cases	J. Deferred for Revocation of Parole	M. Probation Violation filed in lieu of
	G. Interest of Justice	K. Further Investigation	N. Referred to City Attorney for Misdemeanor Consideration

LAST NAME: FREEMAN FIRST NAME: SHAWN DA CASE NUMBER: 43915172

EXHIBIT 37

Petitioner's First DVRO Filing in Riverside

40. In response to my serving Petitioner with the AZ Oder of Protection and parentage action, Petitioner filed a Request for a Domestic Violence Restraining Order against me in Riverside County on September 15, 2022, Case No. DVHE2205244.

41. This request was dismissed on October 25, 2022. **Exhibit 4**.

Petitioner's Second DVRO Action

42. On November 9, 2022, Petitioner filed a *second* Request for Domestic Violence Restraining Order in Riverside County, Case No. DVHE2206411.

43. This occurred six days before our scheduled custody and visitation hearing in AZ and caused a delay in the AZ matters.

44. On November 30, 2022, Petitioner's second Request was heard by Hon. Judge Jeffrey M. Zimel, Riverside Superior Court, Department H-1. I hired counsel to specially appear on my behalf to contest jurisdiction as the Petitioner had failed to have me served by this date.

45. By this hearing date, it has become clear that Petitioner was forum shopping in an attempt to interfere with the ongoing AZ case as it pertains to keeping our daughter from me.

46. After argument, the court ruled that California did not have jurisdiction to issue a Restraining Order and did not have jurisdiction to make orders regarding our daughter.

47. The court stated, "I don't think that this court is the proper venue, given the fact that the alleged abuse occurred in Arizona and the Petitioner lives in Arizona and the child's home state is Arizona."

48. The Court dismissed Petitioner's second DVRO action. **Exhibit 5**.

Petitioner's Third DVRO filing

49. On December 14, 2022, Petitioner filed a *third* Request for Domestic Violence Restraining Order in Riverside County, Case No. DVHE2206978.

50. Given the conflict between AZ and California regarding Jurisdiction over our daughter, both Courts scheduled a UCCJEA hearing.

EXHIBIT 38

MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
111 South 3rd Avenue, 2nd Floor
Phoenix, Arizona 85003-2292

Erin Gerlach
vs.
Shawn Tyler Freeman

STATE OF ARIZONA)
) ss.
County of Maricopa)

DVHE2206978

23000977

J. Tompkins # S1061 being first duly sworn on oath deposes and says that (s)he is a citizen of the United States over the age of 21 years: that (s)he has no interest whatsoever in the within entitled matter, that (s)he is a regularly appointed Deputy Sheriff of Maricopa County, Arizona, and as such has the power to serve civil processes within said county; that (s)he served the within documents on the **2nd** day of **February, 2023,** on the within named defendant **Shawn Tyler Freeman,** in person, at **1840 S Lewis Mesa, AZ 85210** at **1:41 PM,** in the County of Maricopa, a copy of said **Amended Temporary Restraining OrderDV110, Order on Request to Continue Hearing DV116, Child Custody And Visitation OrderDV140(huge X thru all info).**

Total $0.00

PAUL PENZONE
Maricopa County Sheriff

By _____
Deputy J. Tompkins #S1061

Subscribed and sworn to before me this 2 Day of February 2023

_____
Notary Public in and for the County of Maricopa - State of Arizona

JO ANN R. LEYVA
Notary Public - State of Arizona
MARICOPA COUNTY
Commission # 574931
Expires December 19, 2023

B4985

MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
111 South 3rd Avenue, 2nd Floor
Phoenix, Arizona 85003-2292

Date: 10/20/2022

To: Erin Gerlach
35932 Wilcox Lane
Murrieta, CA 92562

Regarding:

ERIN GERLACH
vs.
SHAWN FREEMAN

Reference:
DVHE2205244
22009543

This paper is being returned unserved due to:

Date: 10/12/2022 @ 1:00 PM - 128 W Campbell Court, Gilbert, AZ 85232
Attempted By: J. Tompkins
Service Type: Personal
Notes: No answer at the door.
Date: 10/13/2022 @ 9:10 AM - 128 W Campbell Court, Gilbert, AZ 85232
Attempted By: K. Carr
Service Type: Personal
Notes: No answer at the door.
Date: 10/18/2022 @ 1:27 PM - 128 W Campbell Court, Gilbert, AZ 85232
Attempted By: K. Shall
Service Type: Personal
Notes: No answer at the door. I called the phone # listed for the Defendant (Shawn Freeman). It went straight to voicemail. I left a message asking him to call the Civil Division (MC22182125). Returning paperwork UNSERVED due to multiple failed attempts at the residence, no phone call back from the voicemail message left and a close serve-by date.

FEES:

Deposit $ 0.00

Total $0.00

PAUL PENZONE
Maricopa County Sheriff

K Shall 1554

By _____
Deputy K. Shall #S1554

B1087

MARICOPA COUNTY SHERIFF'S OFFICE

Civil Process Section
111 South 3rd Avenue, 2nd Floor
Phoenix, Arizona 85003-2292

Date: 11/28/2022

To: Erin Gerlach
35932 Wilcox Lane
Murrieta, CA 92562

Regarding:

Erin Gerlach
vs.
Shawn Tyler Freeman

Reference:
DVHE2206411
22010942

This paper is being returned unserved due to:

Date: 11/15/2022 @ 11:05 AM - 128 W Campbell Court Gilbert, AZ 85232
Attempted By: J. Tompkins
Service Type: Personal
Notes: No answer, left card no calls back. Made multiple phone calls, left voice message and text message no calls back. Work address is secured Mesa Police Building with no public access update called back said out of town until Monday night will call me Tuesday.
Date: 11/16/2022 @ 1:34 PM - 128 W Campbell Court Gilbert, AZ 85232
Attempted By: J. Tompkins
Service Type: Personal
Notes: in area no answer card still on door
Date: 11/22/2022 @ 8:37 AM - 128 W Campbell Court Gilbert, AZ 85232
Attempted By: J. Tompkins
Service Type: Personal
Notes: called/text Shawn to plan meet. no return contact at this time.

Returning unserved on Shawn Frooman.

FEES:

Deposit $ 0.00

Total $0.00

PAUL PENZONE
Maricopa County Sheriff

By _____
Deputy J. Tompkins #S1061

B1417

EXHIBIT 39

Superior Court of California, County of Riverside
Register of Actions
www.riverside.courts.ca.gov

DVHE2206978: ERIN GERLACH vs. SHAWN TYLER FREEMAN
Family Law
Domestic Violence with Child(ren)
Riverside Family Law Courthouse Department F502
Status: Closed

Date	Action
01/26/2023	Hearing re: Permanent Restraining Order is Continued re: Domestic Violence with Children filed by Erin Gerlach on 12/14/2022 at 8:30 AM in Department S205 Honorable Kristi Kirk, Judge A. Lovato Ostorga, Courtroom Assistant J. Molinar, Court Reporter APPEARANCES: ERIN GERLACH is present, represented by PRO PER Other Appearance Notes: SHAWN TYLER FREEMAN (not present) represented by Eric Bradford At 09:45 AM the following proceedings were heard: Oral motion by Respondent's Counsel re: jurisdiction is called for hearing. Argument presented by Respondent's Counsel. Matter is placed on second call for Court to review case history. Court resumes at 01:33 PM. Issues discussed with the Court. Argument presented by Respondent's Counsel. Court makes the following order(s): Motion re Jurisdiction is denied. Eric Bradford informs the Court he does not represent Shawn Tyler Freeman in this case and does not have the authority to accept service on behalf of Respondent. Continuance requested by Petitioner. No proof of service is on file as to Shawn Tyler Freeman. Hearing continued to 02/15/23 at 08:30 AM in Department S205 (Hearing held). Temporary Restraining Order remains in full force and effect. Temporary Restraining Order Expires 02/15/23 Formal order signed in court. Certified copies of Order on Request to Continue Court Hearing provided to Petitioner in open court. Minute entry completed.
02/08/2023	170.6 Filed By: SHAWN TYLER FREEMAN
02/08/2023	Payment: $2.00, Hanson, Bradford & Hanich, for FREEMAN, SHAWN TYLER, Receipt: 20230208-00727
02/09/2023	170.6 Filed By: SHAWN TYLER FREEMAN

DANICA L. HANICH, ESQ. SBN 207222
HANSON, BRADFORD & HANICH
25240 Hancock Ave., Suite 110
Murrieta, CA 92562
Telephone: (951) 506-6654
Facsimile: (951) 506-4478

Attorneys for Respondent
SHAWN TYLER FREEMAN

FILED
SUPERIOR COURT OF CALIFORNIA
COUNTY OF RIVERSIDE
FEB 09 2023
C GONZALES

MM
FEB 10 2023

HANSON, BRADFORD & HANICH
Counselors at Law

SUPERIOR COURT OF THE STATE OF CALIFORNIA

FOR THE COUNTY OF RIVERSIDE

In Re Matter of: ERIN GERLACH, Petitioner, and SHAWN TYLER FREEMAN, Respondent.	Case No.: **DVHE2206978** **PEREMPTORY CHALLENGE UNDER C.C.P. § 170.6** **Date: February 15, 2023** **Time: 8:30AM** **Dept. S205**

I, Danica L. Hanich, declare as follows:

1. I am an attorney at law, licensed to practice law in the State of California and counsel of record for RESPONDENT, SHAWN TYLER FREEMAN, in the above entitled action.

2. The HONORABLE JUDGE, KRISTI KIRK, before whom the trial or hearing in the aforesaid action is pending, or to whom it is assigned, is prejudiced against the party or his attorney, so that your declarant cannot, or believes she cannot, have a fair and impartial trial or hearing before such judge, commissioner, or referee.

///

///

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Respectfully submitted,

Dated: February 7, 2023

DANICA L. HANICH,
Attorney for Respondent

IT IS SO ORDERED:

Dated:

JUDGE OF THE SUPERIOR COURT

HANSON, BRADFORD & HANICH
Counselors at Law

EXHIBIT 40

From: Erin Gerlach <gerlach.erina@gmail.com>
Sent: Thursday, July 06, 2023 7:38 AM
To: Internal Affairs <Internal.Affairs@mesaaz.gov>
Subject: Re: Mesa Police Department Internal Affairs Status Update

Thank you. I have submitted multiple public records requests.

What does disposition "completed" mean? I've reached out to Arizona post with the same question.

Thank you

Erin Gerlach

On Thu, Jul 6, 2023, 06:07 Internal Affairs <Internal.Affairs@mesaaz.gov> wrote:

From: **Internal Affairs** <Internal.Affairs@mesaaz.gov>
Date: Thu, Jul 6, 2023, 09:06
Subject: RE: Mesa Police Department Internal Affairs Status Update
To: Erin Gerlach <gerlach.erina@gmail.com>

Good morning,

In this instance, it appeared multiple online entries were submitted by you to Internal Affairs and consolidated for investigative purposes. The "Completed" notification is merely an administrative function as Internal Affairs need to close out open submissions. To be clear, all information you submitted has been documented and is being investigated.

Regards,

EXHIBIT 41

These forms are for official use by peace officers in the State of Arizona, per A.R.S. § 13-4405 and A.R.S. § 8-386 Revised for use from September 1, 2022 - August 31, 2023

VER: 2022/2023

MARICOPA COUNTY

VICTIM COPY

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

1 <<FORM USE>>

☒ Initial Contact ☐ Victim-Initiated Change(s) ☒ Phone/Mail/Email ☐ In Person DATE: 04/06/23

2 <<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: Gilbert Police Department Phone #: (480)503-6500

Reporting Officer(s): Det. J. Correa #6190 Complaint/Report/Citation #: GI23-52274

Location: San Tan Valley, AZ (NFI) Report/Citation Date/Time: 03/30/2023

Offense/Type of Crime: Disorderly Conduct and Child Abuse

☒ Felony ☒ Misdemeanor ☐ Petty Offense ☒ Domestic Violence Issue

3 <<ARREST / DETENTION STATUS>>

☒ **SUSPECT NOT IN CUSTODY**

☐ UNKNOWN ☒ KNOWN

X ADULT

____ JUVENILE

SUSPECT #1 Shawn Freeman DOB 12/04/84

SUSPECT #2 ____ DOB ____

If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.

☐ **SUSPECT CITED AND RELEASED / REFERRED**

ADULT ____ JUVENILE ____

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

COURT ____

DATE: ____

TIME: ____

If a citation is issued, the accused may appear at any time prior to the date and time shown.

☐ **SUSPECT IN CUSTODY - ADULT**

INITIAL APPEARANCE:

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

COURT ____

DATE: ____

TIME: ____

CUSTODIAL AGENCY: ____

The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.

☐ **SUSPECT IN CUSTODY - JUVENILE**

DETENTION HEARING:

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

DETENTION CENTER: ____

The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?

Victim: Brooklyn Freeman Sex: ☐M ☒F Birth Date: 02/12/18

B. Lawful Representative: ____ Sex: ☐M ☐F Birth Date: ____ Relationship to Victim: ____

If lawful representative, check (one) of the following which applies:

☐ The victim has designated me as his/her lawful representative.
☐ The victim is a legal entity (corporation, partnership or business).
☐ The victim is a vulnerable adult & I am the legal guardian.
☐ The victim is incapacitated or deceased and I am an immediate family member.
☒ The victim is minor child and I am a parent, an immediate family member or legal guardian.
☐ The victim is a neighborhood association.

C. How can you be contacted? What is your language preference? ☒ English ☐ Spanish ☐ ____

Name: Erin Gerlach

Mailing Address: Unknown Apt: ____

Home Address (if different): ____ Apt: ____

City: Unknown State: Unknown Zip Code: Unknown

Telephone: (Primary) Unknown (Alternate/Message) ____

Email: gerlach.erina@gmail.com

D. ☒ **I REQUEST my rights in this case.** **OR** ☐ **I WAIVE (DECLINE) my rights in this case.**

I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.

☐ Form provided to victim in person.

____
Victim/Lawful Rep Signature

☒ Form provided to victim via mail and/or email.

(FOR REPORTING AGENCY USE ONLY)

☐ **REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)**

NOTES / COMMENTS:

REV. 9/2022

These forms are for official use by peace officers in the State of Arizona, per A.R.S. § 13-4405 and A.R.S. § 8-386 Revised for use from September 1, 2022 - August 31, 2023

VER: 2022/2023

MARICOPA COUNTY

VICTIM COPY

VICTIM REQUEST FOR, OR WAIVER OF, PRE-CONVICTION AND / OR PRE-ADJUDICATION RIGHTS

This form opts you in as a victim because there is probable cause that a crime has been committed against you. Opting in does not mean you are "pressing charges." Please keep this form for future reference regarding your case.

1 <<FORM USE>>

☒ Initial Contact ☐ Victim-Initiated Change(s) ☒ Phone/Mail/Email ☐ In Person DATE: 04/06/23

2 <<CASE IDENTIFYING INFORMATION>>

REPORTING AGENCY: Gilbert Police Department Phone #: (480)503-6500

Reporting Officer(s): Det. J. Correa #6190 Complaint/Report/Citation #: GI23-52274

Location: San Tan Valley, AZ and Los Angeles County, CA Report/Citation Date/Time: 03/30/2023

Offense/Type of Crime: Disorderly Conduct and Assault

☐ Felony ☒ Misdemeanor ☐ Petty Offense ☒ Domestic Violence Issue

3 <<ARREST / DETENTION STATUS>>

☒ **SUSPECT NOT IN CUSTODY**

☐ UNKNOWN ☒ KNOWN

X ADULT

____ JUVENILE

SUSPECT #1 Shawn Freeman DOB 12/04/84

SUSPECT #2 ____ DOB ____

If an arrest/detention in this case is made, you will be notified at the earliest opportunity. If you are not notified of an arrest/detention within 30 days, you may obtain case status information by calling the law enforcement agency indicated in Box 2 above.

☐ **SUSPECT CITED AND RELEASED / REFERRED**

ADULT ____ JUVENILE ____

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

COURT ____

DATE: ____

TIME: ____

If a citation is issued, the accused may appear at any time prior to the date and time shown.

☐ **SUSPECT IN CUSTODY - ADULT**

INITIAL APPEARANCE:

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

COURT ____

DATE: ____

TIME: ____

CUSTODIAL AGENCY: ____

The adult suspect in custody will appear in court for an Initial Appearance within 24 hours of arrest.

☐ **SUSPECT IN CUSTODY - JUVENILE**

DETENTION HEARING:

SUSPECT #1 ____ DOB ____

SUSPECT #2 ____ DOB ____

DETENTION CENTER: ____

The juvenile suspect in custody will appear for a Detention Hearing at the county Juvenile Court or Detention Center within 24 hours of detention, but may be released at any time prior to this hearing.

4 <<VICTIM OR VICTIM'S LAWFUL REPRESENTATIVE>>

A. Who was the crime or offense committed against?

Victim: Erin Gerlach Sex: ☐M ☒F Birth Date: 10/14/88

B. Lawful Representative: ____ Sex: ☐M ☐F Birth Date: ____ Relationship to Victim: ____

If lawful representative, check (one) of the following which applies:

☐ The victim has designated me as his/her lawful representative.
☐ The victim is a legal entity (corporation, partnership or business).
☐ The victim is a vulnerable adult & I am the legal guardian.
☐ The victim is incapacitated or deceased and I am an immediate family member.
☐ The victim is minor child and I am a parent, an immediate family member or legal guardian.
☐ The victim is a neighborhood association.

C. How can you be contacted? What is your language preference? ☒ **English** ☐ **Spanish** ☐ ____

Name: Erin Gerlach

Mailing Address: Unknown Apt: ____

Home Address (if different): ____ Apt: ____

City: Unknown ____ State: Unknown Zip Code: Unknown

Telephone: (Primary) Unknown (Alternate/Message) ____

Email: gerlach.erina@gmail.com

D. ☒ **I REQUEST my rights in this case.** **OR** ☐ **I WAIVE (DECLINE) my rights in this case.**

I understand that I must keep my mailing address and phone number current with the agency or court responsible for providing my rights. Failure to do so can mean that my rights are waived. I also understand in order to make any changes to the information supplied on this form, I must contact the appropriate agency or court.

☐ Form provided to victim in person.

____
Victim/Lawful Rep Signature

☒ Form provided to victim via mail and/or email.

(FOR REPORTING AGENCY USE ONLY)

☐ **REQUEST / WAIVER exception per A.R.S. § 13-4405(B) and § 8-386(B)**

NOTES / COMMENTS:

REV. 9/2022